

U.S. POLICY AND THE FUTURE OF CUBA: THE  
CUBAN DEMOCRACY ACT AND U.S. TRAVEL  
TO CUBA

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Y 4. F 76/1:C 89/18

U.S. Policy and the Future of Cuba:... HEARING

BEFORE THE

SUBCOMMITTEES ON  
ECONOMIC POLICY, TRADE, AND ENVIRONMENT;  
WESTERN HEMISPHERE AFFAIRS;

AND

INTERNATIONAL OPERATIONS  
OF THE

COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

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NOVEMBER 18, 1993

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Printed for the use of the Committee on Foreign Affairs



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# U.S. POLICY AND THE FUTURE OF CUBA: THE CUBAN DEMOCRACY ACT AND U.S. TRAVEL TO CUBA

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THURSDAY, NOVEMBER 18, 1993

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ECONOMIC POLICY, TRADE AND ENVIRONMENT, SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS, AND SUBCOMMITTEE ON INTERNATIONAL OPERATIONS,

*Washington, DC.*

The subcommittees met, pursuant to call, at 2 p.m. in room 2318, Rayburn House Office Building, Hon. Robert G. Torricelli (chairman of the Subcommittee on Western Hemisphere Affairs) presiding.

Mr. TORRICELLI. The committee will please come to order.

Today three subcommittees of the House Foreign Affairs Committee come together for a joint hearing to review U.S. policy toward Cuba on what is the first anniversary of the passage and signature of the Cuban Democracy Act.

It is our intention today to receive testimony on the impact of the Cuban Democracy Act on the people of Cuba, political changes that may or may not have resulted on the island and review with the administration the implementation of the act and regulations that have been promulgated as a result and the policy of the administration as a result.

It was of course the original intention of the Cuban Democracy Act both to provide incentives to the Government of Cuba to begin the long-awaited, inevitable process of democratization and isolate the Castro dictatorship and to promote communication with the people of the island in the hope they could experience a revolution in democratic expectations taking place around the world.

We are grateful for the witnesses who are participating today in this process of review and for my colleagues who are participating today as well.

At this time, I yield to Mr. Gejdenson for any comments he would like to make in co-hosting today's hearing.

Mr. GEJDENSON. Thank you. I think it is clear that there is unanimity in this country and that Cuba ought to have democracy and have it quickly.

The debate that exists is whether some of the policies we have in place regarding travel and communication by Cuban Americans and others with the Island of Cuba, whether restricting the travel

of free American citizens to Cuba makes sense as a domestic policy or an international foreign policy.

So I think that what needs to be understood clearly is that there is no debate on the goals for Cuba from this Congress. This Congress, and I think the American people, want desperately to see a democratic government in Cuba.

There are many of us in Congress who think the policies that preclude many Americans from traveling to see relatives is counterproductive and violates the basic tenets of how America ought to treat its own citizens, let alone its citizens in interaction with other citizens around the globe.

Mr. TORRICELLI. Ms. Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

As we celebrate the 1-year anniversary of passage of landmark legislation the Torricelli bill, known as the Cuban Democracy Act, I would like to make some brief remarks, mainly speaking about the chairman of this subcommittee, the person who I consider to be the number one congressional leader in the cause for a free Cuba, not just because he is the author of the Cuban Democracy Act, but because he carries deep in his heart the dream of the liberation of the Cuba people, the liberation of my native homeland.

Bob Torricelli is committed to seeing a free Cuba, not in the distant future, but now. Chairman Torricelli understands that the fate of the Cuban people ultimately is in the hands of the Cuban people. But he knows there is much that Congress can do, all us here in the U.S. Congress, to help stimulate the fall of an evil dictator who has enslaved the Cuban people for decades.

Chairman Torricelli knows that although foreign leaders meet with us and give us verbal assurances, that they are not in barter agreements with Castro, that is actually not the case. Boris Yeltsin, for example, met with the Foreign Affairs Committee members and said that no more aid would be going to Castro and, if there are any deals to be made, they will be made with hard currency demands placed upon the Castro regime.

Yet as soon as Russia was able to renegotiate, the barter system was once again reestablished and new deals were cut with Castro. Through Chairman Torricelli's efforts, this subcommittee is ever vigilant about issues of great concern to those of us who value freedom, democracy, and justice for the Cuba people.

So this subcommittee continues to monitor Castro's joint venture projects where Castro gets countries to bail him out of the economic woes by building hotels, stores, and factories that also seek to enslave further the Cuba people.

This subcommittee will continue to monitor the on-again off-again Cienfuegos nuclear plant and Lordes intelligence facilities. The subcommittee will continue to monitor the barter or hard currency trade deals with other countries and foreign companies.

Through Chairman Torricelli's efforts, we are also studying those American citizens and the projects that are undergoing to help Fidel in his oppression by trying to embarrass the U.S. Government. The people who purposely defy the embargo and go to Cuba, for example, to build homes for the poor is a project which is going to be taking place in the next days in their words. These are folks with a political, not a humanitarian agenda who would rather

serve Castro's propaganda interests than help the people of Cuba free themselves from the cloak of repression.

There is little doubt that there is an all-out campaign to undo the U.S. embargo against Castro. This week, most of us probably received faxes from the Cuban interest section in the Embassy of Switzerland from the head of the Cuban interest section with a collection of editorials calling for an end of the embargo against Castro.

We also got, I imagine I am not the only person who received this book called Cruel and Unusual Punishment. It is put out by the Cuban information project. When I saw that title, I thought they were talking about one of the cruelest embargoes in the world and that is the embargo that Castro has on the Cuba people. But, no, they are talking about what they call the U.S. blockade against Castro.

We continue to be vigilant on these ongoing campaigns. I am a firm supporter of Congressman Diaz-Balart's project to internationalize the embargo.

All of us are very aware of the movement throughout the United Nations to internationalize the embargo against Haiti. Yet such movements are continually being held back when we try to get the U.S. Government to internationalize the embargo against Castro.

I endorse Congressman Menendez' bill to help free Cuba post-Castro. We continue to be vigilant about the different projects that are put out about Cuba and the future of a free Cuba.

I look forward to asking some of the folks who will be testifying about their viewpoint on different projects that have been put out about the future of a free Cuba including this one from FIU. The embargo continues to be the number one topic and it is of great concern to this subcommittee.

I congratulate, once again, Chairman Torricelli's great interest in the cause of a free Cuba. As I said before, the greatest embargo that exists is the one that Castro has on the Cuban people and not on the United States.

I am sorry if people believe that I talk too much about Cuba. It sort of happens when you lose your homeland, when you know that everything your family has fought so valiantly for for decades and all of your neighbors and it goes up in flames at the hands of an evil dictator.

That is why, as Lincoln said the other day, we have a fetish for democracy. It is a fetish that I think others should involve themselves with. I look forward especially to the testimony of a Cuban dissident, Paula Valiente, who walked in here with us, who will talk to us about the freedoms that are being denied to the Cuban people, in her case, the freedom to worship, the freedom to peacefully assemble.

All of us know about the freedoms that are being denied to our labor union activists who are routinely jailed and harassed for their thoughts. Certainly Castro's followers in Cuba look upon this subcommittee with great concern. I think we should be proud of that.

Certainly the message that I always carried with me is that lifting the U.S. embargo would be sending the wrong message and will only reward Castro while further enslaving the Cuban people.

Thank you again, Mr. Chairman.

Mr. TORRICELLI. Thank you. I thank you for your kind comments and, more importantly, the invaluable work that you did to make the Cuban Democracy Act possible. No one worked harder or more diligently.

I will yield to the cochairman of this hearing, Mr. Berman.

Mr. BERMAN. Thank you, Mr. Chairman. I have a lengthy statement that I would like to put in the record and give a moderately long statement which I will try to shorten as I go.

Mr. TORRICELLI. Without objection, we will put the long statement in the record and prepare for the semi-long statement.

Mr. BERMAN. The scope of this hearing is U.S. policy toward Cuba. My interest in it is based more really on a set of concerns which is at once narrower and broader than the scope of this hearing. It is narrower, in that I do not pretend to have studied and have great insights into the larger policy dimensions of Cuba policy; but I am deeply committed to the vindication of the Constitutional rights of U.S. citizens to travel, receive information, and communicate with the peoples of other countries. Broader in that, my commitment to those Constitutional principles is not limited to the context of the Cuban embargo, but extends to all embargoed countries.

I supported the passage of the Cuban Democracy Act, your bill, last year, and I did so because I shared the Act's stated commitment to the promotion of communication between the peoples of Cuba and the United States. I was concerned about the Act's imposition of substantial new fines and worked with you to include provisions in the Act which exempted essentially activities which constituted Americans' exercise of their constitutional rights from the new civil penalties imposed by the Act.

I don't want to dwell on it right now, but I do want to mention that I am concerned about a Treasury regulation which has been adopted pursuant to that Act which provides for specific licenses, with very few standards, rather than the general licenses that I thought would be envisioned by virtue of that Act in terms of appropriate travel. We will get more into that in questioning of the witnesses.

The question of travel and whether or not it is a constitutional right is a very interesting one. I believe it is. I think it needs to be restricted only in the most narrow range of instances where there are compelling national security considerations such as proliferation or terrorism.

Along with Sam Gejdenson, we have promoted this approach in the Free Trade in Ideas Act. When the U.S. Supreme Court rejected a constitutional challenge to the ban on travel to Cuba, it did so with reference to certain special considerations.

The challengers in *Regan v. Wald* had argued that all travel, including commercial and purely recreational travel, were constitutionally protected. I do not share that view.

Moreover, the national security grounds on which the Court based its decision were that Cuba was an ally of the Soviet Union, supported armed violence and terrorism in the Western Hemisphere, and had 40,000 troops stationed in Africa and the Middle East in support of objectives inimical to the United States.

Fortunately, these considerations no longer apply. It is not at all clear that the minimal transfer of assets under present circumstances constitutes a sufficient basis to deny Americans the right to travel. In other words, the standards laid down by the court no longer pertain, and the fact is they may cause a very different decision than the court made in a different context in a different time.

We were poised in the Foreign Affairs Committee to consider the Free Trade and Ideas Act as part of the State Department's authorization bill. At that time, I received a letter from the Secretary of State affirming this administration's commitment to the dissemination of information and ideas as an essential element of our foreign policy, recognizing that it can advance rather than hinder the foreign policy purposes for which embargoes are imposed and offering to initiate an expeditious interagency review to determine how much might be accomplished by regulation.

That review is still under way. I don't think this is necessarily the appropriate time to enter into a discussion of what the results might be. But I would like to express my satisfaction that the administration recognizes that promoting contact between Americans and the peoples of embargoed countries can be extremely effective in promoting freedom.

I am struck by the fact that where we permitted such contact Communist dictatorships have fallen and that the only ones remaining are those which have been denied such contact.

The advocacy of intellectual freedom is a lot more effective when we practice it ourselves. If Castro is a threat to the United States or to his own people, let's get on with devising policy central to addressing that. Let's not restrict the Constitutional rights of Americans.

Thank you, Mr. Chairman.

Mr. TORRICELLI. Thank you, Mr. Berman.

[The prepared statement of Mr. Berman appears in the appendix.]

Mr. Lincoln Diaz-Balart.

Mr. DIAZ-BALART. Thank you, Mr. Chairman. The Congress spoke clearly last year in passing the Cuban Democracy Act in a bipartisan and overwhelming manner.

This year, the House of Representatives in June spoke clearly when it formally requested the President of the United States to seek and advocate an international embargo in the United Nations similar to the ones that were sought and obtained against the 2-year-old Haitian military regime.

The time has come as the House of Representatives has formally said, to end the double standard that exists with regard to the two dictatorships in the Caribbean. Also 2-year-old military dictatorship is subjected to a worldwide military blockade.

The 35-year-old Stalinist regime in Cuba is facing a unilateral U.S. embargo and even that is subject to question and criticism based on a double standard that is profoundly unacceptable and immoral in this day and age.

What do the Cuban people need to do to stop the discrimination that is inflicted upon the Cuban people by the international community? How many beatings? How many repudiation acts? How

many executions? How many daily disappearances? How many people have to throw themselves to the seas, to the Caribbean, before the international community takes note of the suffering of that people?

There is one nation in the world that, due to the suffering of that people, has a unilateral policy of telling its business communities you will not profit off of the pain of the Cuban people. Yet we have to stand and listen to the international community, just 2 weeks ago in its typical horrendous fashion on this subject, criticize our unilateral embargo.

I maintain there is no inconsistency between taking multilateral steps in the context of the new world order against the Cuban dictatorship and even the policy that was expressed by the international community 2 weeks ago. I have tried to state that to the administration respectfully.

The administration refused to mention that in its defense of its position in the General Assembly. It did not say, ladies and gentlemen, at this same moment we have a multilateral blockade on Haiti, a 2-year-old dictatorship, and you are talking about our domestic right to tell our business community not to trade with a 35-year-old Stalinist dictatorship?

Here we are today talking about the right to travel, tourism, when we are talking about in effect a hostage crisis of 35 years duration with 11 million people hostage to a cold-blooded murderer who is still invited by the President of Mexico and by the Prime Minister of Spain. He is invited to these new fora called the Iberian-American summit as though he was an elected leader. It is disgusting.

When the Cuban people have A legitimate government, the Cuban people will tell the world what they think of the world for this stage. But at least there will be one nation, the United States of America, that will be able to hold its head high and know that, at this stage, it stood by the Cuban people and against the tyrant who opposed those people for over 30 years.

Thank you, Mr. Chairman.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. Mr. Chairman, first of all, I want to commend you for your steadfastness and support of freedom and Democracy, not only in Cuba, but throughout the Western Hemisphere and throughout the world.

On this anniversary date, I guess it is fitting and proper to have this hearing. I don't normally make opening statements, Mr. Chairman, but today I feel compelled to do so.

I would first ask, for the committee's sake, unanimous consent to have my full statement in the record. I will try to paraphrase it, but get on to some major points.

For months now, I have watched with great interest the apparent effort by individuals in the U.S. media, foreign policy circles, the administration and Congress, academia and others of promoting a unilateral and fundamental change in U.S. policy toward Cuba.

This effort has two basic objectives: Removal of the U.S. commercial embargo on Cuba and the restoration of diplomatic relations between the two countries. I would like to very briefly discuss why

we should not start to prop up the Castro regime, why our policy is right and what further we should be doing.

Our policy toward Cuba is based on pillars of foreign policy that I have heard the Secretary of State, sitting where Mr. Lantos presently is, say that we as one of our pillars of foreign policy stand for promoting democracy and human rights.

It is time to find out whether we are really sincere about that. The Castro regime has been a totalitarian dictatorship for nearly 35 years. Fidel Castro, Cuba's maximum leader, controls Cuba with an iron grip more repressive than Ceaucescu's ever was. He determines all of Cuba's domestic and foreign policy, controls its military, its legislature, its Council of Ministers, its Council of State, its single political party, its judiciary, its budget, its economy.

All of society, every institution and every individual, must answer ultimately to him. That is freedom and democracy. In Latin American history, I think only General Stroessner of Paraguay has served as a dictator for so long. I guess Castro is trying to beat his record.

Castro's human rights record, that is based on what we are able to obtain, documents horror stories of systematic abuse and violations of the fundamental human rights of the Cuban people. Freedom House's 1993 annual review lists Cuba as among the 10 worst abusers of human rights in the world.

The U.N., the OAS, Amnesty International, the Human Rights Watch, The Lawyers Committee for Human Rights, and other reputable human rights groups continue to equally denounce Castro.

Every year the United Nations Commission on Human Rights censors Cuba for its gross violation of human rights and every year the Cuban Government responds by refusing to grant a visa to travel to the U.N.—appointed special rapporteur on human rights in Cuba.

Castro's victims are all over the world. Some are here in our Nation's capital. One only needs to speak to Armando Valladares about Cuba. He served 22 years in Castro's jails witnessing executions, experiencing torture, regular beatings, solitary confinement, denial of health care and food. Or one could speak to Eusebio Peñalver, an Afro-Cuban political prisoner who served 28 years in Castro's political prison.

Or you can speak to the world's longest serving political prisoner, Mario Chanes de Armas, who was received this summer by President Clinton. Since his adolescence, Chanes was Castro's comrade-in-arms.

Like virtually every other Castro associate of any talent, he was bitterly betrayed by his former friends. He spent 30 years of his life, three decades, 3 years longer than Nelson Mandela did, Chanes languished in Castro's jail for unsubstantiated charges. During this wrongful internment, his son was born. And during that internment period, his son died. You know, we will never really know how many thousands of people have gone through Castro's jails.

But, Mr. Chairman, I would like to have inserted in the record a list of over 600 names that was provided to me by a member of the European Parliament that he brought out of Cuba of political prisoners with their names and with charges against them, most

of them called enemy propaganda or acts against the State, their sentences. I would like that included in the record.

I am sure that the Cuban Government who is presently here today will probably be seeking a copy of it and how it got here.

Mr. TORRICELLI. Without objection, it will be included in the record at the conclusion of your testimony.

Mr. MENENDEZ. On the national security front, besides human rights, we are concerned about Cuba's efforts to finish building its nuclear power site near Cienfuegos. We don't need another Chernobyl 90 miles away from the United States.

The Russians may be penny pinching and asking us for aid, but somehow they found \$30 million to give Cuba to at least keep this plant mothballed pending finding further investors.

We don't particularly care for the former Soviet signals and intelligence facility and spy station in Lourdes intercepting U.S. communications.

One final set of points, Mr. Chairman. You know we hear a lot that our embargo is wrong. I know we will hear a chorus of that today. However, it is clear that our policy is right. The fact of the matter is that when Fidel Castro received nearly \$4 billion or \$5 billion a year, he did not seek economic reform. He did not seek agrarian reform. He didn't seek to reform his economy.

He could have used those resources to create a better standard of life for the Cuban people. Instead, he sought to build the third largest military in all the Western Hemisphere per capita, third largest after the United States and Brazil. If he is reducing today his armed forces, it is because of the loss of what was the Soviet Union's aid and our embargo. If in fact he accepts the U.S. dollar today, it is because of the embargo.

Finally, for those who take the position that this is so terribly wrong, an embargo is only one, that I know of, three peaceful diplomacy tools, foreign aid, international opinion, and economic sanctions. An embargo is a form of economic sanction.

We had economic sanctions in South Africa. We have today a stronger embargo against Haiti. None of them were invaded from another country, both embargoes responded to internal matters. Both for the purposes of promoting democracy. I have supported those efforts in Haiti because I believe it is right.

We had a duly elected democracy President and he should be returned. But this was an internal matter. Yet there are those who say that we should not interfere with Cuban sovereignty; it is an internal matter. The difference between Cuba and the matters that we have at hand is time. That is the only difference.

But the record of violation of human rights, the record in terms of U.S. interests, in terms of the nuclear power plant, the spy station and Communist Cuba's previous history of expanding throughout Africa and South America in terms of exploiting this revolution has only been limited now because it has lost its resources, not because it doesn't have the same desires and not because it has changed its policy.

As we hear these calls, I would like to hear the differences in our foreign policy. Why do we have two standards? Why do we embargo one country which internally has a problem with democracy and suggest that another one should not? And why are we willing to

turn our back on hundreds and thousands of political prisoners who languish in Castro's jails and say, let's give him a prize, let's lift the embargo. Let's give him everything that we need to reestablish diplomatic relationships and see nothing, nothing in return.

Mr. BERMAN [presiding]. Mr. Rohrabacher, do you have an opening statement?

Mr. ROHRABACHER. You might notice that I have a beard, but that is all I have in common with Fidel Castro, for the record.

Mr. Chairman, I would like to echo the comments of my colleagues who have stated their commitment to freedom and democracy in Cuba and agree totally with their analysis of the tyrannical nature of the Castro regime.

I can still remember the early days when Castro was being hailed as the George Washington of his country. Even then, I knew that was a bunch of claptrap. The fact is, he turned into what every other Communist dictatorship was in history. He evolved into a personal dictatorship using high sounding rhetoric as an excuse for his own tyranny and the oppression of his own people and the actual jailing of his own friends, the people who helped overthrow the regime preceded his own.

It is also important to note that many Americans have been sucked in over the years in believing they could cooperate with this tyranny in Cuba. Many people, for example, felt we could cooperate in the fight against drugs in this hemisphere with Castro.

I have no idea why people feel that they can cooperate with tyrants and that the tyrants themselves are not deeply involved in the most illegal of activity in own country. I think we should remember that over the years, Robert Vesco, one of the founders of the drug lord movement, if you will, in this hemisphere based himself out of Cuba. He was in and out of Cuba. He was in and out of Managua when the Communists controlled Managua.

Castro took one of his opponents, put him in front of the world, tried him for being involved with drugs. He was not an opponent in the sense that he was an opponent as we would know it, he was simply someone who was offering an alternative personality to the Cuba regime. A hero of the Angolan war, Castro threatened his family, got him to admit that he had been involved in the drug trade with the promise that he would not murder his family.

These are the type of things that we have seen from this monstrous regime. It offends me when I hear people saying we must improve our relations with Cuba. What they really mean is, we have to improve our relations with the Cuban regime. In the United States, we happen to believe that a government is only a legitimate government if it has the consent of the governed.

Castro and the other Communist dictatorships around this world, not only do they deny that theory, but they practice tyranny, every bit as much tyranny as any other dictatorship and they are not a legitimate government and should not be treated as legitimate governments.

I don't care if it is the Red Chinese regime. I don't care if it is some Fascist regime or Fidel Castro's regime. They are nothing but a gang of people who hold power because of their brutality and not for the consent of the governed.

I don't think it is time to change our policies in relation to that gang that holds power in Cuba. That gang is about to lose power. The worst possible thing now would be for us to try to recognize them for anybody more than they are which is just a gang of cut-throats and dictators.

Thank you.

Mr. TORRICELLI. I want to remind members of the committee that opening statements are welcomed. They are not required under the rules of the committee. There is no penalty for anyone who forgoes the opportunity.

Ms. MCKINNEY. Mr. Chairman, I ask unanimous consent that my statement be included in the record.

Mr. TORRICELLI. Without objection.

[The prepared statement of Ms. McKinney appears in the appendix.]

Mr. Lantos, welcome before a committee that you know very well. I want, Mr. Lantos, to say at the outset that through the years we have come together on many issues and I think have been known on this committee to be allies on most, if not all, causes.

There was no time in my work in the Congress that you were more helpful than in the Cuban Democracy Act. The years have been good to the position we took. You and I and Ileana Ros-Lehtinen and Mr. Berman, who worked on this cause, were joined by Lincoln Diaz-Balart and Mr. Menendez and others who have given equally to this fight.

I wanted to say at the outset how grateful I am for the help that you gave all through this fight and welcome you to the committee. Please proceed.

#### **STATEMENT OF HON. TOM LANTOS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. LANTOS. Thank you, Mr. Chairman and colleagues. It is a pleasure to appear before you and to share a number of impressions of my brief recent trip to Cuba. I arrived in Cuba a week ago this morning and I left Cuba on Sunday.

I suspect I should begin by suggesting something which I found remarkable. I was the first Member of the House of Representatives in 4 years to have visited Cuba. Unless the information I got is erroneous, it is my good friend Congressman Rangle who was the person there prior to my visit.

May I encourage all of my colleagues here in the room and indeed all my colleagues in the Congress to go to Cuba because, whatever expert testimony you will receive today and whatever impressions I have the opportunity to share with you, nothing in this instance will come close to personally visiting this place.

I will tell you why I am saying this. I am clearly not an expert on Cuba, but I am an expert on Communist dictatorships. I have been visiting Communist dictatorships on a systematic and annual basis since 1964 ranging from the Soviet Union to Poland to East Germany to Czechoslovakia, Romania, Hungary, Bulgaria, China, and of course 3 years ago, as many of you know, I was the first American public official in two generations to have visited Albania while it was still under Communist control.

So I brought to my visit no expertise as such on Cuba, although a tremendous amount of reading on the subject. But I did bring with me an enormous expertise, a lifetime of experience with Communist dictatorships.

Let me say at the outset that I consider Castro's Cuba in the closing weeks of 1993 to be a Stalinist tribal vestige of the cold war. It is very difficult to realize that at this stage in modern history, when cataclysmic changes have swept across the globe from South Africa to the Middle East, this beautiful island with the magnificent people should be frozen in time. There is a time warp that embraces this island and the people who deserve an infinitely better fate.

It is a bankrupt society and it is a bankrupt economy. As a professional economist, I must admit to you I had difficulty visualizing what happened to the approximately \$100 billion of Soviet and East European aid that was provided Castro through the years.

It is almost incomprehensible to find a society in 1993 which was the beneficiary in recent years of as much as \$6 billion in per annum subsidies to have an infrastructure which has crumbled to the extent the Cuba infrastructure has crumbled and to have really no redeeming feature whatsoever in the economy.

As a matter of fact, I must tell you that I have never seen a Communist dictatorship which would be as destitute as to virtually lack all public transportation.

We drove down the main highway that runs the full length of the island. We didn't go the full length, but it is a highway which is bereft of traffic. There are of course no private automobiles but there are also no buses of any type. And occasionally a run-down truck comes by and people stand for hours in line to clamber atop this open truck and are transported like cattle.

There is no place to buy a soft drink, let alone anything else. It is almost unreal. As a matter of fact, the whole experience has a surrealistic quality.

I was also struck by the degree of unanimity in analyzing the regime which was present in the views of a tremendous variety of people that I talked to. Let me just give you a little insight as to who are some of the people I talked to in addition to the government officials, and I will come to that in a moment.

I met with the leadership of the Catholic Church, both the Catholic Church in Cuba and with the very distinguished Papal Nuncio. I met with Western ambassadors. I met with Ambassadors from Central Europe, one in particular who served in Cuba in a diplomatic position for 5 years while there was a Communist regime in his own country and has now been serving for 4 years as the Ambassador of his country.

I find that their appraisal of the economy, of human rights conditions, of the presence of a one-man dictatorship of Stalinist proportions is almost identical. There seems to be no redeeming feature either in terms of economic developments or in terms of some lessening of the pattern of political suppression.

This is particularly interesting because, as all of you know, many of the Communist dictatorships of Central and Eastern Europe over a period of time showed in varying degrees liberalization, opening, relaxation of pressures.

There seems to be very little of that type in Cuba, certainly nothing in the field of human rights, certainly nothing in the field of political rights, tentative embryonic moves in the field of economic reform but with barely noticeable results.

No one knows, of course, how accurate statistics are. The best estimates one is able to get is that the combination of unemployment and underemployment is somewhere in the range of 35 to 40 or 45 percent.

The poverty of the people is penetrating. Children at the moment receive milk, a very limited amount of milk only up to the age of 7. Everything is rationed theoretically, but of course ration cards are often not honored.

It is very difficult to realize that an island which is potentially such a wealthy island, as all of my colleagues know in the 1950's, Cuba was endowed with one of the highest levels of living in the entire hemisphere, should be as drab, destitute and desperate as Cuba is today.

This is a combination of a society where people are repressed and the economy is mismanaged. I must tell you that everywhere when I met with human rights activists from South Africa to the former Soviet Union, I was enormously impressed by the courage and determination of the broad range of human rights activists I met with. These are the finest people in Cuba as indeed these are always the finest people in all totalitarian and repressive societies.

These are the Havels and the Nelson Mandelas of this world and they are there in large numbers in Cuba. Some are highly literate and highly educated. Others are simple a humble people. But they have a common thread, an indomitable pattern of courage and a commitment to decency and human values.

It is difficult to come back to the United States without being profoundly depressed at the tragedy that has been unfolding for decades so close to our shores on the part of a people who deserve so much better.

Let me also say that I was profoundly disappointed in the rigidly ideological approach taken by the government leaders I had occasion to meet. To give you just one example, the Cuban foreign minister was out of the country, so my first appointment was with the acting foreign minister. I was advised that the head of our interest section will not be allowed to attend the meeting with the acting foreign minister of Cuba.

I was picked up by one of their automobiles which I chose not to use but to ask the head of our interest section to drive over to the foreign ministry with me anyway. We did. When I met the acting foreign minister, I indicated to him that there will be no meetings unless the head of our interest section is allowed to participate. After some degree of argument and debate and delay the head of our interest section was allowed to join me and he was with me in all of my subsequent meetings with government officials.

But this gives you a clue to the degree of rigidity and political blindness that permeates this regime that the first visit of a Member of Congress in 4 years decide to see if there might be an opening for changing our policies, toward moving to some degree of more civilized relationship with Cuba is greeted by denying the

head of our interest section the opportunity, or attempting to deny the head of our interest section the opportunity of meeting with the acting foreign minister and subsequently other Cuban high officials.

While I was in Cuba, the head of our interest section received some insulting and very negative comments concerning the repatriation of some of the Mariel people. There is a systematic pattern of making life for our interest section very difficult.

I must say that I am not very optimistic of any change on the part of the government in the near future. I made it clear, speaking for myself and myself only, that at a time when Yassar Arafat and Yitzhak Rabin shake hands on the White House lawn, at a time when Nelson Mandela and de Klerk are working together to move toward a nondiscriminatory and democratic South Africa, the lunacy of a Stalinist dictator persisting 90 miles from our shore is not something the American people or the American Congress want to see.

We are eager and anxious to have trade, travel, tourism, investment, intellectual contacts, sport contacts, academic contacts, youth contacts of all types. But there has got to be a change from a Stalinist regime which represses this remarkably talented and long-suffering people.

I also made clear the obvious, and I am closing on this note, Mr. Chairman, Cuba has nothing to fear from the United States. There is no military threat to Cuba from the United States of any kind, shape, manner, or form. I think it is very important that at the highest level this be repeated time and time again.

We are looking for a peaceful transformation such as we have had elsewhere, but this anachronism of a Stalinist dictatorship 90 miles off our shores is simply unacceptable as a state of affairs.

I will be delighted to answer any questions, Mr. Chairman, that you may have.

Mr. TORRICELLI. Thank you, Mr. Lantos.

Do members of the committee wish to ask any questions?

Ms. ROS-LEHTINEN. The dissident movement, Congressman Lantos, in Cuba, can you give us some insight as to information you received about the dissidents there? What is it that they are calling for? How are they organized?

Do you believe that Castro only allows certain sanitized dissidents that he uses for his own projects or do you believe there really truly is a dissident movement alive and well in Cuba?

Mr. LANTOS. There are two dissident movements in Cuba as there always were in all Communist dictatorships. There is the dissident movement that carries the seal of approval of the Communist regime and is only an arm of the government. But then there is the real dissident movement. It is many splendored. It covers church men and people that would like to develop into a labor movement, young people, women, journalists and other. They are destitute. Their most primitive means of developing communications networks among themselves are denied. They are threatened.

Numbers vary as to whether there are 600, 800, 1,000, or 2,000 political prisoners. The penal code is an abomination. People are arrested and put in prison for long periods of time for crimes such as "dangerousness," disparaging the government.

There is a very narrowly circumscribed sphere in which the church is able to operate. Churches are not allowed to undertake any activity outside the actual walls of the church. All churches must be registered and approved by the State. There are neighborhood spy committees which watch every waking hour of every citizen.

I think all of the demands made by our Government, namely releasing human rights activists, allowing the international committee of the Red Cross to visit Cuban jails, the United Nations Special Rapporteur to visit Cuba, legitimate human rights groups to visit Cuba. All of these things are demands that we have to continue to press.

I must say that, given the terror that exists, my admiration for the human rights activists who were willing to meet with me is unbounded.

Ms. ROS-LEHTINEN. Just a quick follow-up question about the political prisoners, Congressman Menendez was speaking about them earlier in his opening statement.

As we know, the U.N. repertoire was not able to go to Cuba to visit the jails. Did you get any reports on the current situation of those political prisoners, how many there would be, where they are, the conditions under which they are subjected to?

Mr. LANTOS. My information is secondhand, and this is the information which I am sure is available to the committees through other means. I must say that the whole atmosphere of the society is so permeated with fear on a day-in-day-out basis by ordinary Cubans, that the indications of people leaving, attempting to leave, although large numbers are killed in the process of fleeing the country illegally, indicates the degree of suppression which I think in Central and Eastern Europe were left behind in the 1950's.

This is a society which, in many ways, reminded me of Communist regimes decades ago, the most repressive Communist regimes decades ago. I visited Ceausescu's Romania during the worst periods of suppression, and my impression is that the pattern of terror is greater in Cuba today than was the pattern of terror during Ceausescu's worst years in Romania.

Ms. ROS-LEHTINEN. Thank you very much.

Mr. TORRICELLI. Mr. Berman.

Mr. BERMAN. Just one comment.

Very interesting testimony, Tom, but to my way of thinking, it is precisely the poor prospects for government-to-government engagement which you have concluded from your trip down there that makes kind of people-to-people contact essential if we are not to isolate ourselves from the Cuban people. In other words, carving out from the embargo noncommercial, nontourist-related kinds of visits to those people, the kinds of people you met with, because Members of Congress are not able to do a steady stream of trips down there, in some ways, I think your testimony makes a case for my position on why we should divorce that kind of travel from the decision of whether or not to continue strengthen and internationalize the embargo.

Thank you.

Mr. TORRICELLI. Mr. Lantos, do you have any sense about whether there is an understanding even within people in the Cuban Gov-

ernment, that in the Cuban Democracy Act, we unilaterally extended an offer to Cuba in opening communications and telecommunications. And for as strongly as we held the line on economic subsidies to the Castro dictatorship, we did make a strong exception in allowing telecommunications and other means of communications to open, with the idea that even if that produced foreign exchange for Castro, we believe that the truth, the pressure that would come from communications, as Mr. Berman is assessing, was worth the price.

Mr. Castro, of course, predictably has not taken our offer, but is the fact that communications remains interrupted because of Mr. Castro not taking the offer rather than us not offering the offer understood?

Mr. LANTOS. Mr. Chairman, I believe it is understood by some of the top leadership I met with. It is also my impression that you have in the top leadership some highly sophisticated and knowledgeable people with a great deal of experience in free and democratic societies. It is my impression that they are so terrorized by Castro himself that even if they would like to move in the direction of relaxation and opening up, creating new channels, they are terrified to do so.

Mr. TORRICELLI. Other members of the committee?

Mr. DIAZ-BALART. Very briefly.

Tom, did the dissident community have an opportunity to let you know its position with regard to the Cuban Democracy Act, our embargo?

Mr. LANTOS. I met with a very sizable number of dissidents. With one single exception, they were all supportive of the existing legislation.

Mr. TORRICELLI. Most importantly, people have been sending me photographs of these posters with my picture with a noose around my neck.

Did you happen to see any of them?

Mr. LANTOS. I was looking hard for the posters, but they must have removed them, knowing that I was coming.

Mr. TORRICELLI. The committee will recess for this vote.

I urge members to please come back promptly. We have a number of witnesses we would like to hear from, not the least of which will be Mr. Rangel.

[Recess.]

Mr. TORRICELLI. Gentlemen, welcome.

I am informed there is going to be a vote again in only a short period of time, but it would be helpful if we could have your testimony presented in the interim and when we return perhaps proceed to questions.

With that in mind, while we would like to receive all of your testimony for the record, we would ask you to please give it in some summary so we can conclude before the next vote and then have time for questions.

Mr. Secretary.

**STATEMENT OF THE HON. ALEXANDER WATSON, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE**

Mr. WATSON. Thank you very much, Mr. Chairman.

Thank you very much for this opportunity to discuss recent developments in Cuba, U.S.-Cuban policy and the impact of the Cuban Democracy Act of 1992, although I must say there is nothing I could say about the situation in Cuba which would be more compelling than the testimony we have just heard by Congressman Lantos.

Let me state at the outset, that President Clinton's policy toward Cuba is to maintain our economic embargo until there is true democratic reform and respect for human rights, while reaching out to the Cuban people to alleviate the distress that we have heard so much about. He does not intend to deviate from this policy.

Cuba today is confronting the most serious economic crisis in its history. Remember, that in the 1950's, Cuba had a per capita income among the very highest in Latin America. Today it is among the very lowest. Foreign trade has fallen by 75 percent. The factories are closing, the sugar harvest was the smallest in 30 years, rationing has never been tighter; as Congressman Lantos said, milk is only available to children under 7, and Cubans are authorized but one shirt, one pair of shoes, and one pair of pants or a skirt per year.

These facts should come as no surprise. They are the results of the failures of Cuba's command economy. Command economies have failed everywhere they have been tried. In the face of this economic disaster, the Cuban Government has made some grudging modifications, but they have been too little and too late.

The government's first priority is clear, to maintain control of the Cuban people. Individual private enterprise, which was abolished in 1968, is again permissible, but with all kinds of restrictions that make it virtually meaningless for the average Cuban. Cuba touts its high-priority tourism and biotechnology industries in which it has invested so much hard currency resources, but these industries simply cannot succeed in resolving Cuba's pressing economic needs, mired as they are in centralized inefficiency.

Cuba maintains an enormous and costly military security apparatus. As Congressman Menendez mentioned, it is the third largest in Latin America after only Brazil and Mexico, even though it has been reduced in size recently. Those countries have considerably larger populations. The massive state security forces seek to control every detail of the daily life of the average Cuban, as Congressman Lantos mentioned, and they are an enormous drain on the Cuban economy. But more important than that, they indicate the regime's determination to maintain absolute political control.

The modest economic changes that I mentioned have not been accompanied by political change, basic human rights remain repressed, democratic practices are not tolerated. In short, in our view, Cuba is a country at a dead end. Its economic and political systems have failed, and provided the Cuban people with neither the prosperity nor the freedom that they long for. Their daily existence is marked by scarcity, rationing and long lines.

And what is our response to this human tragedy in a country just 90 miles from our shores? On the one hand, we will continue our diplomatic, political and economic isolation of the Cuban Government and maintain our economic embargo as a form of leverage and pressure on the Cuban Government to start to meet the economic and political needs of its people.

On the other hand, we will actively reach out to the Cuban people with humanitarian assistance and offer improved telecommunications and an increased flow of information. This two-track policy, which is reflected in the Cuban Democracy Act, is supported by this administration because it meets our strategic as well as our humanitarian interests as a nation. These two tracks are clearly complementary, as the authors of the Cuban Democracy Act recognize.

Against this backdrop, let me review the act section by section, very briefly. Section 1703 of the Cuban Democracy Act correctly describes current U.S. policy. We believe that the future of Cuba is for the people of Cuba to decide through free and fair elections under international observation, we believe that the economic embargo and the diplomatic isolation are the best way to keep pressure on the Cuban Government to adopt democratic reforms and to start respecting human rights of the Cuban people.

We also want the Cuban people to know, using the words of section 1703, that we are also willing, "to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba." To date, we have seen no movement toward democracy or respect for human rights.

Section 1704 authorizes the President to suspend foreign assistance to any country that provides assistance, including loans, leases or credits at nonmarket rates to Cuba. We will continue to monitor this situation very, very closely.

In my testimony, I have got some specific cases to discuss, but I can skip over them here for the sake of brevity, if you will.

Mr. TORRICELLI. As long as they are submitted for the record?

Mr. WATSON. Yes, sir, I will be glad to submit the entire statement for the record as you request.

Section 1705 entitled, "Support for the Cuban People," is being implemented. Food donations to Cuba-based individuals or non-governmental organizations have been deregulated, medicine and medical supplies may be licensed by the Department of Commerce for private donation to individuals and nongovernmental organizations in Cuba.

The humanitarian sale of medicine to Cuba may also be licensed when there is adequate on-site inspection and other appropriate means to verify that the export is not misused. Since the Cuban Democracy Act was passed last year, licenses valued at over \$3 million have been authorized for large, humanitarian aid shipments to Cuba.

These have included medicines and dental, medical and hospital supplies to numerous nongovernmental organizations in Cuba, including the Cuban Red Cross, the Cuban Ecumenical Council, the Cuban Baptist Convention, the Jewish Casa de la Comunidad Hebreo and CARITAS Cuba, the charitable organization of the Catholic bishops.

Earlier this year, the administration also authorized the "Basta!" organization to send two flotillas from Key West, Florida, with cargoes of medical and hospital supplies for the Cuban Red Cross and other nongovernmental groups. These large shipments are in addition to thousands of fully licensed packages that individuals send to their relatives on the island.

We are continuing to look at ways to streamline procedures for sending humanitarian goods directly to the Cuban people. This administration, Mr. Chairman, will continue to vigorously oppose politically motivated efforts to undermine the U.S. economic embargo. In regard to telecommunications, which has been mentioned here today, the Cuban Democracy Act authorizes "efficient and adequate" telecommunications between the United States and Cuba.

Under guidelines issued by the administration, American firms are now negotiating with Cuban authorities for a substantial increase in telephone links with full current settlement at standard international rates. Unfortunately, the Cuban response has initially been less than positive.

In regard to direct mail delivery, our approach to Cuba in the past for such service met with a negative Cuban response. We hope that subsequent overtures will be more fruitful.

On assistance to support democracy in Cuba, the National Endowment for Democracy continues to support human rights projects related to Cuba, dispersing over 500,000 in fiscal year 1993. These projects are undertaken by a wide variety of groups outside of Cuba. Once again, some of them will be mentioned in the statement submitted for the record. But they are all designed to promote nonviolent democratic change as the Cuban Democracy Act calls for.

Section 1706(a), the prohibition on licensing trade with Cuba by foreign subsidiaries of U.S. firms has been in effect since the Act was signed on October 23 last year. The Department of the Treasury has ceased to issue licenses for trade with Cuba by U.S.-owned or controlled firms located in third countries that had previously been permitted under certain circumstances by Treasury's Cuban Assets Control Regulations. Subsequent to the Act's passage in consistency with its provisions, Treasury only licensed such transactions where the underlying contracts were entered into before the Act was enacted.

Section 1706(b), sanctions on vessels calling at Cuban ports, has also been implemented. All indications have been that notification deterred such vessels coming to our ports to load or unload cargo. Sections 1707 and 8 concern U.S. aid and assistance to a transitional and to a democratic Cuban Government.

We, of course, will be ready to help Cuba in appropriate ways in its transition to democracy once the process is underway. We have studied the draft "Free Cuban Support Act" legislation proposed by Congressman Menendez and several cosponsors with interest and wish to work with this committee on ways to respond to the inevitable change in Cuba. Although the Cuban Democracy Act does not deal extensively with the issue of travel, I believe it is an important issue to address, since it has received widespread attention in the past few months.

The freedom to travel is a right that Americans cherish, as Congressman Berman stated here today. As you know, U.S. law does not prohibit travel to Cuba. It does, however, prohibit spending money on travel to Cuba except for certain authorized categories.

Over 15,000 American citizens and residents traveled legally to Cuba last year. The U.S. Government has no desire to keep its citizens from learning about the country of Cuba, its people and its culture, but we do want to deny the Cuban Government hard currency. We do not want to prolong the suffering of the Cuban people under a dictatorship which could happen were the Cuban Government to receive the economic windfall open travel would provide.

In October, the State Department gave provisional approval to the application of a licensed air charter service provider to increase flights to Cuba following changed visa procedures by the Cuban Government. The Congress and the administration were concerned that we not acquiesce in any attempt by the Cuban Government to require individuals going to visit relatives to purchase hotel accommodation packages in order to obtain expedited visas. Therefore, the Office of Foreign Assets Control issued a general circular advising licensed travel service providers that they could sell such packages only if a traveler voluntarily indicated that he or she wished to stay in a hotel.

We have been monitoring the new travel procedures carefully since the issuance of the circular. And information received from the air charter service provider indicates there has been compliance with that circular. We will continue to monitor in conjunction with the Office of Foreign Assets Control very, very closely these travel-related transactions to ensure that any hotel packages sold are purchased on a voluntary basis.

Meanwhile, we have begun a policy of approving additional flights after a careful review on a month-to-month basis. The demand, however, I should note, has not been as great as the air charter service providers anticipated.

Also, on the subject of travel, this is very important, approximately 170 members of the ad hoc Committee for Freedom to Travel took a protest trip to Havana in the second week of October. The publicly stated goal was to violate the embargo's ban on travel-related expenditures and assert an unqualified right to travel for any reason.

Customs officials interviewed many of the protestors and confiscated passports which had Cuban entry stamps as evidence of travel to Cuba for possible use in prosecutions. The Department of Justice is reviewing the situation to determine if there is sufficient evidence to warrant prosecution.

As with humanitarian donations, the President's policy on travel is to support both the letter and the spirit of the embargo. The other major travel-related issue eliciting significant interest has been the ongoing interagency review of the free flow of information as it relates to economic sanctions programs which Secretary Christopher told Congressman Berman we would undertake.

We are trying to strike a balance between the U.S. interest in promoting democracy, to enhanced information exchange, including by travel and our pursuit of other U.S. foreign policy and security goals. On Cuba, the President's dual commitment is to enforce a

strong economic embargo against the regime while reaching out to the people of Cuba.

In conclusion, Mr. Chairman, I wish to emphasize the importance of both tracks of our policy and how closely they are intertwined one with the other. Without the embargo and vigorous enforcement of its provisions, our leverage to promote peaceful change would dissipate overnight. Without humanitarian assistance and information sharing, our policy would be needlessly harsh and could add to the suffering of the Cuban people. But taken as a whole, we believe we have a comprehensive well-reasoned program, the result of close collaboration between Congress and the Executive and one which enjoys bipartisan support.

We are saying no to a dictatorial government, and giving an emphatic "yes!" To the people who suffer under it. We look forward to the day when the Cuban people regain their freedom, their economic security, and the bright future they have been denied so long.

Thank you very much, Mr. Chairman.

Mr. TORRICELLI. Thank you. Mr. Newcomb.

#### STATEMENT OF THE HON. R. RICHARD NEWCOMB, OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

Mr. NEWCOMB. Thank you, Mr. Chairman, members of the committee. I am pleased to be here today to discuss the Cuban Democracy Act, the embargo against Cuba, and travel-related financial transactions under the embargo. As you know, the Treasury Department's Office of Foreign Assets Control is responsible for implementing and enforcing economic embargoes and sanctions programs.

The Cuba embargo as it existed before the Cuban Democracy Act prohibited all commercial financial and trade transactions by all persons subject to U.S. jurisdiction, which includes U.S. citizens, permanent residents wherever they are located, all people and organizations physically located in the United States and all branches and subsidiaries of U.S. organizations throughout the world. The Cuban asset control regulations which implement the embargo contained certain limited exemptions for specific types of transactions in the following area: limited family remittances, certain limited travel transactions, trade and informational materials, and trade by U.S. foreign subsidiaries.

It is within this context that the Cuban Democracy Act (CDA) was enacted. The original program remains in effect, as altered by the provisions of the Cuban Democracy Act, as outlined by Assistant Secretary Watson, most notably for our purposes, at Treasury, regarding exports of food and medicine, offshore trade by foreign subsidiaries of U.S. companies and telecommunications. I would like to discuss briefly offshore trade by foreign subsidiaries of U.S. companies.

The CDA prohibits the issuance of licenses pursuant to the section 559 of our regulations allowing offshore transactions by Cuba with foreign subsidiaries of U.S. firms. The prohibition against issuing licenses was softened slightly, however, in that the CDA provides that the provision shall not affect contracts entered into before the date of enactment of the CDA.

Most such situations were brought to our attention within weeks of passage of the Act and licenses to allow completion of a pre-CDA contract have been issued where appropriate. Total trade licensed under section 559 had risen from \$332 million in 1989, to \$705 million in 1990, \$718 million in 1991. By 1992, trade had fallen to \$336 million, and in 1993, reflecting the prohibitions of the Cuban Democracy Act, it is now just \$1.6 million.

The Governments of Canada and the U.K. which have normal trade relations with Cuba, have issued blocking orders which prohibit companies organized under their laws from complying with U.S. law with regard to prohibitions on trade with Cuba. In addition, the Canadian order requires Canadian companies to report any instruction, directive or advice it receives from its parent corporation concerning trade with Cuba to the Canadian Government.

Despite these measures that affect foreign subsidiaries of U.S. companies in these countries, we intend to implement U.S. law as it is written and hold firms subject to U.S. jurisdiction responsible for complying with the embargo. We have entered into discussion with regulators in Canada and the U.K. to attempt to minimize disputes arising from these conflicting legal requirements.

Another area of great interest has been telecommunications between the United States and Cuba. The CDA permits telecommunication services between Cuba and the United States, notwithstanding other restrictions on transactions with Cuba. This broad authorization for services is coupled with some limitations on the facilities that may be used in providing services; the quality and quantity of facilities are authorized as may be necessary to provide efficient and adequate services.

Policy guidance developed by State, Treasury and the FCC, among other agencies, specifies that new service proposals must be capable of full implementation within a year, must be limited to equipment and services necessary to deliver a signal to an international telecommunications gateway in Cuba, and new modes of service such as fiber-optic cable must be approved in advance. The latter contains some technical requirements as well.

The CDA specifically provides that payments to Cuba will be made pursuant to a license. We have published regulations establishing the procedures for securing such a license. The CDA states that payments may be licensed for full or partial settlement with Cuba. However, it does not provide for payments from blocked accounts. As a first step in implementing the CDA telecommunications policy, we have issued licenses to telecommunications companies authorizing transactions incident to their travel to Cuba for the purpose of negotiating to provide for telecommunications services between the United States and Cuba.

On the subject of travel, as you know, travel-related transactions are authorized by general license for individuals who are visiting close relatives residing in Cuba, traveling on official government business for the United States or for a foreign government, or traveling for the purpose of news gathering or doing professional research of a noncommercial academic nature specifically related to Cuba where the product of the research is likely to be disseminated.

In addition, an individual may travel to Cuba fully hosted or sponsored, that is all of the traveler's expenses in Cuba are paid for by a non-U.S. entity. A fully hosted or sponsored traveler may not spend any money except for exempt items in Cuba nor provide any services to Cuba or a Cuban national during the visit.

Travel may also be authorized by specific licenses on a case-by-case basis for humanitarian reasons, for participation in public events held in Cuba, for representatives of recognized human rights groups, for clearly defined educational and religious activities, and for activities involving the import or export of informational materials or the transmission of information.

In keeping with that specific licensing policy, we have authorized travel transactions by representatives of several donating organizations. Representatives of various religious groups often travel as fully hosted guests of their church members in Cuba or are sponsored by an affiliate organized church group in a third country.

We have also recently licensed a seller of political and artistic posters to travel to Cuba to facilitate the import and export of posters which are exempt informational material. We have recently faced organized challenges to the embargo from two groups. These challenges have taken the form of protests involving unlicensed travel transactions and the unlicensed exports of goods.

Mr. Chairman, we shall continue to work to ensure that all interested parties are aware of the requirements of the embargo, the new provisions of the CDA, and the seriousness with which we approach our task of enforcing this embargo fully and effectively, but also fairly and impartially. We in the Treasury Department are available to answer questions from the public to assist in ensuring compliance with the embargo and to continue full enforcement of existing requirements until such time as Cuba begins to build a new democratic government and the U.S. Government lifts the sanctions.

Thank you.

Mr. TORRICELLI. Thank you very much for your testimony.

Secretary Watson, there are many of those both in the United States and in Cuba who are looking for some signal of policy change in the administration. Almost any nuance is seized upon as a significant alteration in the policies of the U.S. Government. More than anything else, this hearing is an opportunity for you to say unequivocally that there will be no changes, there will be no amendments, there are no differences in tone in American policy unless and until there is an establishment of a pluralist system in Cuba or an opportunity for the Cuban people to express themselves through elections. This is that opportunity.

Is that indeed the position of this administration?

Mr. WATSON. I think, Mr. Chairman, my statement speaks for itself in that regard.

Mr. TORRICELLI. It does. I am giving you a chance here to repeat it in case anyone missed it.

Mr. WATSON. We have a two-track policy that I mentioned. We think it is entirely consistent with the Cuban Democracy Act, and we are doing our very best to fulfill it in spirit and letter, and the President's policy is to make no change in the embargo certainly

until there is dramatic political change in Cuba in terms of democracy represented by elections with international observance.

Mr. TORRICELLI. So the spirit of bipartisanship that allowed the Cuban Democracy Act to be enacted and signed after such extraordinary and broad support in this Congress remains in place?

Mr. WATSON. Yes, sir.

Mr. TORRICELLI. Could you, Mr. Secretary, react to the frightening prospect having been raised by recent defectors from Cuba, that the Cuban military may be training or preparing to fire upon civilians if there is broad-scale civil unrest and how indeed the U.S. Government would react to having a Tiananmen Square in our own hemisphere prompted by actions of the Cuban Government?

Mr. WATSON. Well, we have had for the first time in a long time, some demonstrations during blackouts, rock throwing, others experienced some indications of civil unrest in Cuba, extremely interesting phenomenon. We have seen some repressive action taken by the armed forces at this point. I don't think we have yet seen the kind of action you are describing in preparation.

Mr. TORRICELLI. Admittedly we have not, but as you know, some of the pilots who recently arrived in the United States have informed us that the prospect of their being used against civilians has been raised by their superiors, and some training has been conducted which has prompted their fleeing to the United States, so as not to be placed in that position with their own people.

My question is that if indeed this were to occur and Castro were to try to cling to power by using the military against his own people, with a loss of life, I think we would all like to know that the administration would react with outrage and would indeed bring the issue to the United Nations and seek international sanction against any regime that would take these measures against their people, much as those of us in the Congress reacted when this happened by the regime in Beijing when they took similar action against their people. It is only that assurance of both outrage and action that I am asking you to respond to.

Mr. WATSON. Well, I feel perfectly secure in saying, Mr. Chairman, that we certainly would react with outrage, but I am not able to say what specific steps we would take beyond that because we have not developed specific decisions at this point; I am not authorized to say.

Mr. TORRICELLI. Let me leave the issue by saying that it would be my hope and expectation that if indeed such events were to occur in Havana, this administration would bring the issue to the Security Council promptly and seek the kind of international co-operation for actions against Cuba that, at the moment for inexplicable reasons, the organization has been loath to take. They should be challenged to do so if indeed civilian lives are lost by a dictatorship which clings to power even at the cost of the lives of its own citizens.

Could you, Mr. Secretary, comment upon this continuing controversy over whether or not Russian barter sales to Cuba of oil, constitute a subsidy, or whether or not they have yet been adjusted to reflect the market price, recognizing that the failure to do so is a violation of both the Freedom Support Act and the Cuban Democracy Act?

Mr. WATSON. Yes, sir. We have been monitoring very, very closely these transactions. And to the best of our ability to discern such things, we have not discovered that there are any subsidies or that anything is being provided at other than market rates. We have warned the Soviet Union and also many other countries that this is the law of the land and that if we were to discover subsidies of this sort, we would have to take certain actions. We have raised this issue at the very highest level with Russia as well as with other countries.

Mr. TORRICELLI. Mr. Secretary, as you know, there are some of us who are less convinced about whether those numbers really reflect market price, and that in any equation they do not include costs of transportation, costs of finance, costs of insurance. It is, as one might expect, difficult to evaluate a market price, if you had a Communist government for 70 years, so perhaps the Russians can be forgiven for a while. But in a visit to Moscow in August, I attempted as someone who believes strongly in American support for Russia, to say that if the administration needs to return to Congress for future funding, and indeed this has not been adjusted, there is no choice but to either oppose that funding or to amend it, making very clear that these oil shipments cannot on a subsidized basis continue. And so for those who care to listen or our friends in Russia, I trust they understand the strength of our conviction on this issue.

Mr. Secretary, if indeed in the coming months Mr. Castro also chooses to escape his dilemma by exporting dissidents or finding that he cannot feed his people, chooses to have them leave the country, are we of one mind that a mass, forced exodus of people from Cuba should be resisted, would be intolerable, and would be a violation of both international laws and our understandings with the Cuban Government?

Mr. WATSON. Yes, sir.

Mr. TORRICELLI. I will take that.

Mr. WATSON. I was trying to be brief in the interest of time.

Mr. TORRICELLI. Indeed, we do have a time problem. I accept your answer.

Mr. WATSON. We do not anticipate such a mass movement, a forced movement of people at this point. We have plans for dealing with that contingency; we had been reviewing them at the working level in the administration. Because the plans were drawn up a couple of years ago, we want to take a new look at them and see if they are adequate to the kinds of contingencies we might have to face, but we would view such an effort by the regime as absolutely unacceptable.

Mr. TORRICELLI. Thank you.

Mr. Newcomb, the question of expropriated property, actually, Mr. Secretary, this is for you as well, I take it that we have tried to make clear to anyone who will listen, that in Castro's attempts to sell properties to foreign investors that any sale of properties which previously belonged to a private party who was never compensated, that those expropriated properties would never be recognized by the United States, and indeed people could be buying properties without proper title. Is that a clear position of this government that we have tried to share with anyone who will listen?

Mr. NEWCOMB. Yes, it is, Mr. Chairman.

Mr. Watson has indicated he would like to offer a comment. Let me say we have notified concerned foreign governments that may have national countries interested in making these kinds of joint venture investments, that we would view these types of investments as encumbered by previous ownership interests in that property. Moreover, we have publicly stated that these kinds of joint venture investments would be subject to designation as Especially Designated Nationals of Cuba, trade with whom would be prohibited by U.S. companies.

Mr. WATSON. May I just add, Mr. Chairman, I had a meeting a couple weeks ago with representatives of a group of the major owners of expropriated properties, and we saw absolutely eye-to-eye on these issues, and then I was in Mexico earlier this week and gave a speech before a group on Monday, and as soon as they had a question put to me on Cuba, I said I was waiting for this, and I specifically said precisely what Mr. Newcomb has just said because we had reports that Cuba might have been fishing around to see if they could unload a cement plant to some Mexican investors. And I made it very, very clear—my remarks were broadcast nationally there—that anybody who would get involved in something like that would suffer very serious consequences.

Mr. TORRICELLI. Mr. Secretary, if I could take it further, speaking only for myself, any European or North American I could that buys expropriated properties in Cuba under the belief that in any future arrangement the U.S. Government will participate in compensating them for the bad title they received, is living with an illusion. Because no matter what it requires, I am sure many of my colleagues here would join me in pledging, we will never stand to see a dollar of American funds ever used to compensate someone who knowingly bought bad title after having been warned, when that money went specifically to subsidize Fidel Castro in the last months of his regime.

I hope the record will properly reflect the strength of that conviction. If anyone doubts it, we can repeat it, as I suspect we might here this afternoon.

Finally, before Mr. Gejdenson pulls my chair out from under me, let me ask one more question. On the question, Mr. Newcomb, of the Pastors for Peace, we have seen Americans who want to help the desperately poor of Cuba approach this issue in two ways, if I could cite; one, the Archdiocese of the Catholic Church which has applied for a license, brought desperately needed foods and medicines to Cuban people, distributed them properly within the law, and we have seen Pastors for Peace who knowingly and willfully, having known the laws of this country, directly brought those items to Cuba without license, placed them in the hands of the Cuban Government, where only days later they appeared in tourist shops to be sold for hard currency or were distributed to security forces of Castro's government.

Some people think that we are simply trying to impose the U.S. Government into this judgment. Indeed, we are trying to assure the people who want to help, get the help to those who need it.

Mr. Newcomb, we have tried to be patient with individuals. As much as I applaud the Archdiocese for their compliance and their

compassion, that much I condemn those who are only interested in aggrandizing themselves, and in the final analysis, do nothing to help the poor but deliver aid to the hands of Fidel Castro where it is misused.

Ultimately, this issue rests in your hands in making clear that violations of the law have taken place and, Mr. Secretary, in the administration, making clear to the Justice Department that there is no policy judgment to be made here. Where the law is violated, people are to be held responsible, and indeed that is the moment at which we now find ourselves. There is no choice but to proceed against those who willfully violate the law.

Would either of you like to comment before I call upon Mr. Gejdenson?

Mr. NEWCOMB. Let me say first, Mr. Chairman, as I tried to make clear in my statement, we view our job as enforcing the law fully and fairly, impartially and effectively. I believe we have consistently done that and will continue to do that.

In terms of licensing humanitarian organizations, we fully embrace the purposes of the Cuban Democracy Act and reach out to groups who wish to seek licenses, working with them in granting these licenses as well as the Commerce Department. In terms of organizations who would see fit not to seek our licenses, we have done everything possible to try to get notice, to work with them, to work with the Customs Service, to stop these attempted shipments and, ultimately, where appropriate, in a humanitarian context to license them.

In the Pastors for Peace instance, we had Foreign Assets Control agents along with Customs Service agents inspecting the goods, and we believe those goods which did go were either exempted or generally licensed, or were items which we saw fit to license under the provisions of the Cuban Democracy Act.

Now, your statement that these may not have gone to the correct donees is new information to me. I would like to take that back and look into that, and find out the facts of that situation and where appropriate enforcement action needs to be taken, I certainly stand on our record as being ready and willing to enforce this program.

Mr. TORRICELLI. I know you do, Mr. Newcomb, and you have been very helpful, but indeed I want the administration to know that you cannot both claim that we are of one purpose with regard to Cuba policy and that you support the law and then the Justice Department indeed does not enforce it to its fullest. I fully believe at the policy levels of this administration that is your intention, but some of us will be waiting to see whether or not that reaches every element of the Justice Department.

Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Torricelli.

What is our trade deficit with China at the moment? \$19 billion?

Mr. WATSON. Something like that.

Mr. GEJDENSON. When you say we have a trade deficit with China of \$19 billion, it means that we have bought from China \$19 billion of more goods than they have bought from us; would you agree with that? That is what it basically means?

Mr. WATSON. Essentially, yes.

Mr. GEJDENSON. That means that we have helped the Chinese get hard currency; would you agree with that?

Mr. WATSON. They have certainly—

Mr. GEJDENSON. Assuming our currency is hard. So now would you describe China as a democracy today?

Mr. WATSON. No, sir, I would not.

Mr. GEJDENSON. And the Chinese have recently tried to sell missiles into the Middle East, are you aware of that? You are over at the State Department.

Mr. WATSON. I don't deal with China on a daily basis.

Mr. GEJDENSON. You have heard that rumor?

Mr. WATSON. I have heard those reports, yes, sir.

Mr. GEJDENSON. And so China is not a democracy; is that correct? You will agree on that?

Mr. WATSON. I will.

Mr. GEJDENSON. It is a country that is causing some trouble around the world now that the Soviet Union isn't the front line of big Communist threats, but in China, if I want to go to China, not only can I go there, but the U.S. State Department, Commerce Department and other agencies will help me go there; won't they? Is that correct?

Mr. WATSON. I am not sure—

Mr. GEJDENSON. If I want to do business with China, trade with China, I will get assistance from the Federal Government because for some reason we think that is a good idea?

Mr. WATSON. You would certainly receive assistance from our Embassy in Beijing.

Mr. GEJDENSON. My parents fled the Soviet Union, we got anti-Communist credentials that most people here can't even think about, and I am not a big fan of dictatorships of the right or the left. I don't like authoritarian dictatorships or totalitarian dictatorships. We used to have a representative to the U.N. that used to try to distinguish between right wing and left wing dictatorships. I never found that much difference between them, but it seems to me that we tell American citizens that they are not allowed to travel to Cuba, whether they have family members there or an interest there, but that it is fine to travel to China, what is the difference?

I know we have got good political reasons for doing it, but what is the rationale for telling American citizens that they shouldn't have a right to travel to Cuba if that is what they want to do, and we can tell American citizens that we will even help you get to China? What is the advantage there?

Mr. WATSON. Well, I think, Mr. Chairman, that we don't have any prohibition per se on the travel, as I stated in my statement.

Mr. GEJDENSON. To China?

Mr. WATSON. No, even to Cuba, but you just can't spend any money on the effort.

Mr. GEJDENSON. I am not referring to what we have as a policy. I know what the policy is. It is hard to make a phone call to Cuba. As a matter of fact, we won't let Canadian companies connect Americans to Cuba; is that correct?

Mr. WATSON. That is correct.

Mr. GEJDENSON. OK. Why do we do that?

Mr. WATSON. Because, for a variety of reasons, we are trying to make sure that there are direct communications at a fair price to people on both ends.

Mr. GEJDENSON. When you say a fair price, wouldn't the Canadian connection be cheaper for families in the United States that want to call their relatives in Cuba than some of the methods they are using now?

Mr. WATSON. No, sir, I don't think so, certainly not cheaper than the methods that we are proposing.

Mr. GEJDENSON. I thought the market was now like \$20 a minute going to Cuba.

Mr. WATSON. What we are proposing in compliance with the Cuban Democracy Act is \$1.20 a minute settlement rate.

Mr. GEJDENSON. I understand what we are proposing, and I think that is a much better alternative, but the reality is, that alternative doesn't exist at the moment. I wonder why it is in the U.S. Government's interest not to let Americans who happen to be of Cuban descent be able to easily call their relatives in Cuba.

Mr. NEWCOMB. Mr. Chairman, we are working with a number of telecommunications companies to set up that international gateway. We have met with close to a dozen companies establishing the procedures of the Cuban Democracy Act.

Mr. GEJDENSON. So are you now working with TeleGlobe in Canada or are they not being considered?

Mr. NEWCOMB. I can't recall exactly that situation.

Mr. GEJDENSON. Check on that one for me because I have some sympathies here, you know, that may confuse some of the people that are traditionally in this battle. As I indicated earlier, I have incredible hostilities to totalitarian governments of any sort. I also remember my parents not being able to communicate with their relatives in the Soviet Union, not so much because of what we would do but because they were fearful that if they called their relatives in the Soviet Union that they would disappear, end up in a gulag, especially if people died before we got around to and the Soviets got around to a point where we could communicate.

Mr. NEWCOMB. If I might, what we are seeking to do is establish a regime in this environment subject to the requirements of the Cuban Democracy Act to provide that international gateway.

Mr. GEJDENSON. Could you give a license to a company in Canada if it was setting up that process? Is that within your limited power?

Mr. NEWCOMB. We could set up authorization for companies that come in and meet the requirements of the regulations that we have laid out.

Mr. GEJDENSON. What are the requirements?

Mr. NEWCOMB. Well, as I mentioned in my testimony, that it is an international gateway, that it can be implemented within 1 year, there are certain tolls that can be met.

Mr. GEJDENSON. Would you permit third-country transiting?

Mr. NEWCOMB. That is something we would certainly consider.

Mr. WATSON. May I make a point, Mr. Gejdenson?

Mr. GEJDENSON. You can make as many points as you like, as long as my fellow chairman doesn't bang the gavel.

Mr. WATSON. Thank you very much.

I just want to say the real issue here, you put your finger on the nub of the issue, we would like to increase communication with Cuba, but at the same time, the requirement of the embargo reendorsed, reconfirmed by the Cuban Democracy Act last year, is to deny excessive payments in hard currency to the regime in Cuba, and that is the tension that we are trying to work with here. That is what is different from the case of China.

Mr. GEJDENSON. When I was in the Soviet Union in 1982, a number of things struck me. One was that things hadn't changed a lot from when my parents fled the Soviet Union in 1946, but the one thing that had changed in the Soviet Union was contact with the West was ripping the system apart, that the contrast between what existed in the Soviet Union and what every citizen in the Soviet Union knew by 1982 was outside the borders of the Soviet Union, brought that government down.

And it is counterintuitive to me that America's policy ought to be to deprive every Cuban citizen to see how their friends and relatives in the United States are living 90 miles away, and that at the same time, we ought to tell American citizens who can travel to China, where not but a few months ago in Tiananmen Square, they murdered Chinese students, asking for democracy, that somehow that is all right. But that it is against the interests of the United States to let people travel 90 miles from here to see their relatives and friends or out of just pure intellectual curiosity.

We are not afraid of confronting what is going on in Cuba. I think they are. I think we are playing into their hands by limiting contact. If we increase contact, I guarantee you, Castro will go faster, not slower.

Mr. MENENDEZ. Would the gentleman yield?

Mr. GEJDENSON. I will be happy to yield.

Mr. MENENDEZ. Just a question on the point that Mr. Gejdenson makes. Were we not having, correct me if I am wrong, was it 20,000 minutes a day were then subsequently altered by Castro to 20,000 minutes a month of communication through AT&T or something thereof?

Wasn't it Castro who, one, limited us? And the second question, while you are dealing with that, wasn't the question of dealing through Canada, that we were gouging U.S. citizens of Cuban descent who were paying for, what I think had been \$1.20 a minute phone call were paying, I don't know how many times, like \$30, \$40 for the same period of time, could you answer those questions for me?

Mr. NEWCOMB. In terms of the telecommunications with Cuba, let me tell you briefly that in 1959 when Castro took over and in 1963 when the embargo went into effect, essentially what happened is that the telecommunications system was grandfathered. At the time there was an undersea cable installed before 1959, and there was an antenna farm in Miami and one in Havana that communicated signals.

In the mid-1970's or in the mid-1980's, the undersea cable was so decrepit that a license was granted for it to be taken up and a portion of the transatlantic cable to be laid in its place. This work was completed and ready to be hooked up, but Fidel Castro, the

Government of Cuba, would not permit that communication link to be hooked up.

In 1992, fall, Hurricane Andrew blew down essentially what was left of the antenna farm in Miami, so that communication link was gone as well. Ultimately, then, the only communication link left was from a 25-year-old license to AT&T, to be able to route through a third country, which it has been doing.

Then came the Cuban Democracy Act which called for adequate and efficient service, which we are now trying to establish on an equal footing so all similarly situated parties can compete. What is happening in Canada is that U.S. companies are setting up relationships in Canada so they can make the call to Canada and be ahead of the procedure that this Congress has established. The procedure to be implemented will provide adequate and efficient service with equal opportunity for all parties to compete, to work out the arrangements with Cuba and to provide this service.

Mr. MENENDEZ. Well, you didn't answer my question. I appreciate that whole explanation, but I had two specific questions. Was it not the case that the Castro government had been receiving, I believe through AT&T, and I believe the third country was Italy, approximately 20,000 minutes a day of communications and the Castro government changed it to 20,000 minutes a month?

What was done in 1 day of Cuban families being able to connect themselves with Cuba was then, because of Castro, limited to the same amount per month, one; and, two, is what we are not paying through Canadian retailers and gouging of U.S. citizens who wanted to go through—those are my two questions.

I appreciate the gentleman for yielding.

Mr. GEJDENSON. Can I reclaim my time 1 second. I just want to say two things here. I think it proves the point that Castro isn't crazy about contact, that it hurts Castro to have contact. And I would think that Castro would continue to try to avoid having to deal with this contact.

I would be happy to let you answer, but I think we have to go vote.

Mr. NEWCOMB. Can I respond to Mr. Gejdenson, then I would like to answer the Congressman's question.

Fidel Castro has been more interested in receiving the blocked funds, the \$80 million or so that have been deposited into blocked accounts, where basically it was not the information and the communication that he was trying to restrict as much as getting access to blocked funds.

In terms of the question about AT&T restricted by Cuba, the threat was that the 10,000 minutes per day was going to be cut to 10,000 minutes per month unless there was an agreement to full current settlement. So essentially, the bargaining chip was dollars going to Cuba for Fidel Castro.

Mr. TORRICELLI. The committee is going to recess for a moment. Lest, however, there be any interpretation that there is any difference of view on this, I hope it is clear that our intention in the law was to open communications.

In authorizing telephone communications, we wanted exactly to embrace what Mr. Gejdenson was saying as a strategy. The problem is that one cannot communicate unless the other party accepts.

With the possible exception of shouting across the Florida straits, you need two to deal with this. But I don't want anyone to think that there is any difference in strategy between us. There is simply a problem in getting it done.

We are going to recess. When we return, Mr. Berman will begin and we will proceed.

I know this is taking your time. I am sorry for the delays, but this is very important. We have waited for it for a while. We hope you will be patient.

We will return promptly.

[Recess.]

Mr. TORRICELLI. Mr. Berman.

Mr. BERMAN. Thank you, Mr. Chairman.

Secretary Watson, let me ask you the first few questions here. It might involve some very specific kinds of cases. Recently, visas for Cuban academics have been delayed so long as to pose a problem to the academic activities for which they were invited.

The most recent cases brought to our attention are in City University of New York. Last year, a visa was denied to a young scholar invited to hold a fellowship at the New School for Social Research in New York.

How do we justify denying Cuban intellectuals and scholars an opportunity to study in freedom and to learn free intellectual inquiry from American scholars?

It seems like that would be something that would be to the benefit of the cause of democracy. And it is also, I think, an infringement on American scholars because we are denying them the opportunity of that free intellectual exchange.

Can you address that issue?

Ambassador WATSON. Mr. Chairman, I am not familiar with the specific case that you raised. I am not quite sure why that happened. If the individual was an official of the Cuban Government in some capacity, then we would, in normal circumstances, not issue visas.

Mr. BERMAN. This is not an official of the Cuban Government.

Ambassador WATSON. I will be glad to look into that case. I am simply not familiar with it.

Mr. BERMAN. We will give you the information and, perhaps, you can respond in writing.

Ambassador WATSON. Fine. I will be glad to look at it.

Mr. BERMAN. What is State Department policy with respect to Cuban academics who seek to come to participate in academic seminars or exchanges in the United States?

Ambassador WATSON. We basically look at them on a case-by-case basis.

Mr. BERMAN. What standard do you apply?

Ambassador WATSON. We make a judgment, first of all, whether they are representing the Cuban Government or not.

Secondly, we make a judgment as to whether they would be eligible for a visa in normal circumstances, all the requirements that you apply to a nonimmigrant visa applicant.

Mr. BERMAN. So other than the normal requirements for a nonimmigrant visa applicant, it is simply a matter of whether or not they are actually—notwithstanding what they might assert, wheth-

er the State Department concludes they are acting as the agent or representative of the Cuban Government?

Ambassador WATSON. Or a high level official of the Cuban Government, yes.

Mr. BERMAN. That I understand. We are not talking about that. I am talking about as far as you know then the only standard applied beyond the basic standards for issuing visas is this question of representation of the Cuban Government?

Ambassador WATSON. Well, we generally grant exceptions to officials in academic conferences in order not to impede the free flow of information of at least—and journalist to cover athletics and other events.

We do not grant exceptions for Cubans to come to work or for professional training or for academic courses. Those are the limitations at this point.

Mr. BERMAN. If a young Cuban scholar is invited to hold a fellowship in an American college, is that viewed as something that you do not allow?

Ambassador WATSON. Essentially if they are coming to take professional training or for academic courses, we do not.

Mr. BERMAN. But for short-term academic exchanges you allow it?

Ambassador WATSON. Yes.

Mr. BERMAN. Let me turn to another case. In two recent cases, folk music ensembles of Afro-Cuban religious orientation which were invited to give concerts free of charge—in other words, it was not an issue of admission—were denied visas for some of their members.

In one instance, the lead singer, Mercedes Valdes, was denied a visa while the rest of the group, Yoruba Andabo, were approved.

In another, the lead singer, Lazaro Ros, was approved; but the backup band, Mezcla, was denied visas. This partial visa policymakes nonsense of the artistic integrity of each act, allowing, in one case, the lead singer in and, in each case, not the other part of the group.

It has also visited expense and hardship on the community and cultural organizations who set up these concerts. Since the Cubans were to make no money from the concerts and since the granting of some of the visas reflects a recognition of the cultural value of the performances, how does this Department justify this distinction?

Ambassador WATSON. There is a logic to that apparently paradoxical situation, Mr. Chairman. In the case of the Mezcla group, it is a professional group. We do not give visas to professional groups even if they are not going to be paid, because our theory is that it enhances their earning power and they will go elsewhere, taking advantage of having made the tour and a considerable portion of their receipts returns to the Cuban Government.

Mr. BERMAN. Even though Congress has said, and President Reagan signed a law which allows information exchanges, if a group does something to make their information more desirable, even if it doesn't draw compensation, we don't want their information to be more desirable and, therefore, notwithstanding the law,

we deny the visa to keep the professional group from coming here in a way to make their information more attractive?

Ambassador WATSON. The person you mentioned as a lead singer was a folkloric singer and would not benefit Cuba in our view. That is why he was allowed to come. In the other group, the Yoruba Andabo group, they were allowed to come because they were not professionals; but the lead singer, Miss Valdes, was considered to be a professional. That is why the visa was denied in her case.

Mr. BERMAN. Mr. Newcomb, this goes back to the issue I raised initially. Under the Cuban Democracy Act, the decision to promulgate regulations for specific licenses rather than a general license, like Members of Congress can have and Cuban relatives of people living in Cuba can have. The regulation which the Treasury Department has adopted to implement my amendment to the Cuban Democracy Act raises these concerns.

Unlike the Treasury Department's practice in the past where the types of travel are given a general license, the new regulation requires an application for a specific license for each trip and provides no standards for Treasury's decision other than saying that licenses will be approved "in appropriate cases."

The difficulty with specific licenses rather than general licenses is that this would allow Treasury to deny a license for a subsequent trip if it disapproved of the political character of the previous one.

I think you and I went around on this on the previous administration with respect to feeling that Treasury was denying them permission to go because they did not like the subject matter of the professor's visit.

Anyway, the vague language "appropriate cases," which provides no firm standards to which Treasury may be held, grants unwarranted discretion to the executive branch in regulating Constitutionally protected activity. Courts have ruled such discretion unconstitutional in considering other legislation or regulations.

Tell me what the criteria are that Treasury uses in deciding whether to grant these licenses.

Mr. NEWCOMB. First, let me say we don't make decisions on whether or not to grant licenses based on the subject matter. We have the economic embargo, and we make these decisions based on the economic transaction. We don't look to the content of the speech or what type of activity it is going to be.

We look to the policy that we have established with regard to travel.

Mr. BERMAN. Wouldn't it be wonderful if your regulations stated that. Instead of just saying "appropriate cases—license to be granted," provide some notice if you are not going to general licenses, which I think you should.

If you are going to have specific licenses, have standards that indicate the test of whether or not the grant of this will involve the political purposes, or the background of that individual, or will involve the extent to which the economic consequences of granting that license will undermine the purposes of the embargo or something like that.

Mr. NEWCOMB. Our position on travel has remained the same during the period of the last several years. We have the general li-

censes in the five general areas. Plus fully hosted travel is permitted.

The Cuban Democracy Act came along and had a view of humanitarian-type activities with regard to Cuba. We established regulations which embraced that notion in the Cuban Democracy Act of humanitarian goals of shipment of food and medicines, et cetera, to Cuba, increased communication, et cetera.

There was nothing in the Cuban Democracy Act that dealt with this issue other than in the context of civil penalties. In the area of civil penalties, you referred to clearly defined educational or religious activities that are reasonably limited in frequency, duration, and number of participants, et cetera. That was in the legislative history.

That only related to civil penalties. It did not relate to the larger issue of travel which has substantially remained in place for the duration. The regulation you cite is a very serious attempt to fully embrace the attempt of the Cuban Democracy Act to permit these types of donations but without tearing down the basic fabric of the prohibition on economic transactions.

Mr. BERMAN. I would like to know what the criteria are that you apply. The only criteria specifically I have heard you make reference to is what is the impact of that trip on the economic embargo.

Mr. NEWCOMB. Well, for example, where there is a conference—as I mentioned research is a generally licensed area. But if there is a conference, if it is an internationally recognized organization that as a part of its activities holds international conferences and Cuba happens to be chosen on a case-by-case basis and if it can be demonstrated that the parties going to the conference have a clear, direct interest in the conference and will not be contributing to tourism, then we grant the licenses.

Mr. BERMAN. Are those in writing?

Mr. NEWCOMB. Yes. Those are long-standing statements in our regulations about conferences, for example.

Mr. BERMAN. Thank you.

Mr. TORRICELLI. We will briefly recess to go vote.

[Recess.]

Mr. TORRICELLI. Mr. Berman.

Mr. BERMAN. Just to try and bring this torture to a close, the Cuban Democracy Act passes and authorizes some permissible, new types of travel.

On the issue of educational activities authorized under the Cuban Democracy Act and this question of "appropriate cases," are there written guidelines defining educational activities in appropriate cases or establishing criteria for determining them?

Mr. NEWCOMB. Mr. Chairman, we have implemented the Cuban Democracy Act in our regulations. The matter you speak of is the exception to civil penalties, wherein clearly defined areas, educational and religious, activities are reasonably limited.

What that would seem to indicate is that for those areas we are precluded because we don't have the authority to issue a civil penalty, and we have not.

Mr. BERMAN. You have a regulation, certain transactions incident to travel to and within Cuba, specific licenses authorizing the

transaction in paragraph (c) of this section will be issued in appropriate cases to persons desiring to travel to Cuba for humanitarian reasons for clearly defined educational or religious activities, for activities of recognized human rights organizations, for purposes of public performance, et cetera, et cetera.

Do you have written criteria, written guidelines defining educational activities as referred to in section 515.560 of your regulations or appropriate cases?

That is the question. Do you have written guidelines defining them?

Mr. NEWCOMB. Mr. Chairman, we implemented that section in order to fully embrace the intent of the Cuban Democracy Act which we think we have done. We stated that we would grant those licenses, and we do.

The criteria we follow are those that we have generally in the research area and the conference area, et cetera.

Mr. BERMAN. Are they in writing?

Mr. NEWCOMB. Yes. The regulation that you are reading from, all that is in the regulation. You are citing it. I can tell you; we do follow that regulation stating that we would grant those licenses; and we have granted those licenses.

In situations, for example, where there is a donation of food and individuals want to accompany that donation to be sure it is going to the intended recipient, we have licensed that.

In the situation of Basta, which Assistant Secretary Watson mentioned, they wanted to make the donation, and we licensed it.

Mr. BERMAN. I am just trying to get the answer to a limited question. From what you have told me, I assume your answer, is other than the regulation itself which makes reference to specific license authorizing the transactions in paragraph (c) of this section will be issued in appropriate cases to persons desiring to travel to Cuba for clearly defined educational . . . activities, you have no further guidelines other than that regulation in deciding whether or not to issue the specific license.

That is the question.

Mr. NEWCOMB. That is the regulation we have issued.

Mr. BERMAN. There is no further guidelines defining educational activities or setting criteria for appropriate cases?

Mr. NEWCOMB. No.

Mr. BERMAN. OK.

Mr. NEWCOMB. Can I comment?

Mr. BERMAN. Yes.

Mr. NEWCOMB. What is in that regulation is what is published. What I can tell you, when they meet the intent of the Cuban Democracy Act, the purposes of that act, for making donations or sales that are appropriate of informational materials, as I indicated in my testimony, we have granted and will grant those licenses where consistent with the intent of the Cuban Democracy Act.

Let me go back and restate. That colloquy was in the context of penalties only. It was not in the context of loosening travel for educational purposes or these other purposes.

It was in the context of conferring upon us civil penalty authority and then having a subset of religious, humanitarian, and educational activities where that authority was not conferred.

Mr. BERMAN. I understand that. But educational activities has no further amplification. The only guidelines you apply there is a simple reference to it in the regulation.

Mr. NEWCOMB. As I mentioned in my testimony—which incidentally Mr. Chairman, I neglected to ask if I could submit my full testimony for the record. I will do so at this point.

Mr. TORRICELLI. Without objection, we will enter it in the record after your initial comments before the committee at the beginning of the hearing.

Mr. NEWCOMB. That would be fine. Thank you, Mr. Chairman.

We have criteria established in the areas of research. We have criteria established for educational conferences, and we follow those criteria and have followed them.

There was nothing new in the educational area, for example, in the Cuban Democracy Act, other than the fact that in certain cases of limited frequency, scope, duration, and number of participants, we did not have the authority to issue civil penalties.

I would rely on our established, long-standing practice to provide the guidance that you speak of.

Mr. BERMAN. I think we have had a disagreement about how that should have been interpreted.

Mr. NEWCOMB. If we can work to clarify it, I would be happy to.

Mr. BERMAN. We will try and do it. From what you said, basically, educational activities means nothing more than what you already applied in terms of research and educational conferences.

Mr. NEWCOMB. Coming out with a clearly defined number of frequency, duration, and number of participants and so forth, are you saying that you had in mind that we say, for 1 week, x number of people, so many visits per year?

Mr. BERMAN. I am looking at what kinds of licenses—how you are going to apply these requests for these specific licenses that you are insisting on and what are the standards. The way I look at it, you have construed the Cuban Democracy Act to authorize licenses for educational activities. But you define educational activities as if we never passed that phrase but are simply limited to what you used to allow in the area of research and conferences.

I don't think that was the intent. The intent was to expand beyond that. I don't think that is being applied.

Mr. NEWCOMB. If I could respectfully say we believe we have applied it. I would be happy to have this dialogue with you.

Mr. BERMAN. Yes. I think we are getting to a narrow point here. We should probably do it directly and let the hearing go on.

Mr. TORRICELLI. Mrs. Ros-Lehtinen, if you would like to begin.

This is a motion to recommit, and then there will be final passage. Then, believe it or not, we should be fine for the rest of the hearing.

If you would like to begin, then we can resume after the two votes.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

First of all, I would like to thank our panelists for, once again, restating what I believe is the very clear Clinton administration policy, to not lift the embargo in spite of the continuous pressure of Castro's propaganda machine and other interests. The embargo will stay, and I appreciate your, once again, stating that position.

I would like to talk about one part of the testimony that I think is very enlightening and very positive that talks about the very positive effects that the Cuban Democracy Act has had on what we all hope will be the ultimate goal of it, which is to bring democracy to my native homeland.

I refer to Mr. Newcomb's testimony on page 4, talking about how total trade, licensed under section 515.1559, had risen from \$332 million in 1989 to \$705 million in 1990 to \$718 million in 1991.

In 1992 trade had fallen to \$336 million. And this is the important part—in 1993, reflecting the prohibitions of the Cuban Democracy Act—to just \$1.6 million. I find that is just a remarkable figure.

I would like for you to explain that a little bit further if you could, Mr. Newcomb, how we got to that number.

First, how do you arrive at those numbers, and how are you able to verify, and what do we do in your various departments to make sure that we can keep that number down?

Do you contact companies? What publications do you give out? Do you just wait for folks to ask you questions?

If you could shed some further light on this remarkable section of your testimony.

Mr. NEWCOMB. Thank you. The Cuban Democracy Act's anticipated effect was felt in 1992 when the already large trade was cut nearly in half.

In 1993, it was down to \$1.6 million. The \$1.6 million is accounted for by approximately 15 or 16 licenses which were for pre-CD Act contracts, the performance of which was extended out over a period of time. Obviously they were not large amounts. They were relatively small amounts.

We go over these very, very carefully and only grant those which absolutely qualify. Frankly, I anticipate the number next year to be even less, falling off ultimately to zero.

I am also delighted to say that this committee—and we had heard a number of protestations from foreign governments who felt that there would be irreconcilable conflicts. We have managed to work through those as well. I am pleased to report these figures and pleased to offer that we believe this is working as was intended by the committee.

The total trade was imports from third country subsidiaries to Cuba and exports from Cuba to these third country subsidiaries.

Ms. ROS-LEHTINEN. Another aspect of the Cuban Democracy Act was the ships, if they touched the port, would not be allowed in.

Can you tell us a little bit more about the ship part of the Cuban Democracy Act, what effect that has had?

Do you have any figures that you can cite for us as to whether that has decreased, whether we have had to put that into effect and whatever explanation you can give to us about that aspect of CDA.

Mr. NEWCOMB. Surely. The shipping requirement says a ship landing in Cuba cannot come into the United States for a period of 6 months. The shipping industry set up the way it is, and as efficient as it is, is absolutely certain in brokering passage on vessels and arranging for shipment of goods, that this does not inadvertently happen.

We did have one situation where we found that a manifest of a ship either had been to Cuba or was intending to go to Cuba on that voyage, and this happened in Southern California; and we did not allow that ship to unload.

Frankly, it is one of those provisions that is self-selecting. The enforcement is largely in the hands of commercial parties who don't want to make the mistake of being precluded from the U.S. market. They have to choose, are you going to ship to Cuba, or are you going to ship to the United States.

The decision is a fairly easy one for them. It has been relatively easy to enforce. Of course, Customs and the Coast Guard are constantly vigilant to this activity as are our offices are as well.

Ms. ROS-LEHTINEN. I congratulate you, Mr. Newcomb, for the phrase in your testimony where its says "we intend to implement U.S. law as it is written and hold firm—and this is in relation to Canada and Cuba as it relates to the Cuban Democracy Act—hold firms subject to U.S. jurisdiction responsible for complying with the embargo." We hope that you would keep the subcommittee members apprised of these developments.

Mr. Chairman, I have some other questions, but I don't know if you wish to hold for the vote. I can continue.

Mr. TORRICELLI. Mr. Menendez, have you already voted?

Mr. MENENDEZ. Yes, I have.

Mr. TORRICELLI. Mr. Menendez, would you like to Chair and continue with your own questioning while we go, and we can do this as a relay team.

Ms. ROS-LEHTINEN. When I come back, I wanted to ask you about the FIU study that was done for the Department of State and the six scenarios which they had pointed out and ask you your thoughts on those scenarios.

Mr. TORRICELLI. The other two panels as well, since we have held you so long, when these gentlemen have concluded, we will combine the other two panels as one in the interest of time.

Please review your testimony so you can provide an oral summary of it. But we will condense all the questioning into one panel in the interest of everyone's time.

Mr. Menendez will now proceed.

Mr. MENENDEZ [presiding]. Thank you.

I received a letter from the State Department which stated that, in response to an inquiry that I made, that the Pastors for Peace did not violate U.S. laws, and all the humanitarian items they exported were licensed by the U.S. Government in accordance with the existing statute.

I don't know if you are familiar with that letter. Are you?

Mr. NEWCOMB. I am not familiar with the letter, but I am familiar with the issue.

Mr. MENENDEZ. Is that a correct statement?

Mr. NEWCOMB. Yes, it is. The Pastors for Peace, I have indicated in my testimony on two occasions, have attempted to export goods to Cuba. We had foreign assets control agents as well as Customs agents inspecting those goods.

A lot of the goods were detained. Those which were not controlled by the embargo, such as donations of food, informational materials, Bibles, and other things were permitted to go. There was a lot of

misinformation, I might add. We never stated that we would not allow those things that are exempt from the embargo. They have always been permitted since they were exempt, and we did permit them.

There were a number of things in these protests that we did need to inspect and did need to follow certain procedures, procedures established by the Cuban Democracy Act, which we did. Subsequent to that, we authorized some of those goods to go. Others we did not authorize.

Mr. MENENDEZ. Do you refuse the goods that you did not authorize?

Mr. NEWCOMB. Yes. We did not authorize computers. I believe electric typewriters.

Mr. MENENDEZ. You did not authorize computers?

Mr. NEWCOMB. That is correct.

We authorized prescription medicines after the fact when we were able to verify that these goods were not to be used for purposes proscribed by the Cuban Democracy Act.

Mr. MENENDEZ. I understand the U.S. interests section embassy in Havana is being renovated at a cost of \$10 million. Can you tell me who would be doing that work?

Ambassador WATSON. I am not sure who is doing it, but I will be glad to find out. I am not sure about the bill for the renovation. But I will get you the figures on that.

Mr. MENENDEZ. Out of a national building news service Inc., new projects, there is a solicitation for embassy renovation in Havana, Cuba. And the price tag put on it is \$10 million.

Now, can work in Cuba be done by anyone other than a Cuban national?

Ambassador WATSON. My understanding is that this work will be done by our folks.

Let me look into it, sir, and get back to you.

Mr. MENENDEZ. With reference to the recent travel that has been taking place, can you tell me—or should I understand from your testimony—that all the travel that has taken place, including all of those for which the package dealings that have been done, are all within the law, all within the embargo and the Cuban Democracy Act?

Mr. NEWCOMB. When you say "package dealings," I am not sure what you are referring to. Let me cite that, for those areas where goods have been exported, for example, food, on a case-by-case basis, we will authorize an individual to accompany the food to be sure it gets to the intended recipient.

If you are speaking of the recent travel protest, no, they were not licensed. We are considering options available to us with the Justice Department at this time.

For that reason it would not be appropriate for me to comment on that any more fully.

Ambassador WATSON. Mr. Menendez, are you talking about the flights?

Mr. MENENDEZ. Yes.

Ambassador WATSON. Our experience has been that the only packages that were purchased were purchased voluntarily. And every time people reapply for visas without requesting packages

after already obtained visas with the packages. They received the visa in any case.

So we are very confident that our policy of facilitating the travel but denying Castro the ploy of forcing people to obtain packages before he gives the visa has been successful.

Mr. NEWCOMB. If I could add to that, we regulate the travel service provider family remittance forwarder industry that provides these remittances and travel services to Cuba. We have a series of circulars we send out.

We clarified this prohibition on travel packages to Cuba in a recent circular of September 14 of this year. I will be happy to submit that for the record. Basically it indicates that we would view that as a discriminatory practice.

Mr. MENENDEZ. But we permit the packages to be sold.

Mr. NEWCOMB. Basically, what we said on our circular is where it is requested by the traveler, then it would be permitted; but it should not be forced on them as part of their travel for obtaining a visa.

Mr. MENENDEZ. Isn't it a fact—I mean you got a letter, Secretary Watson, from one individual, we have received several from different ones—this gentleman's name is Mr. Carlos Doltz. He says there is a discriminatory course of condition in the granting of visas to Cuban-Americans flying to Cuba. They are told that if they refuse to pay for the hotel-meal package, their visas will be delayed longer or may not be granted at all compared to a person purchasing the hotel-meal package, quoted to him by LeClub travel in Miami.

Ambassador WATSON. Our evidence indicates that is not correct. I am not familiar offhand with that particular letter, but I will be glad to look into it.

Mr. MENENDEZ. If, in fact, we don't want American nationals to have to purchase said packages, which ultimately, as I understand, would amount to dollars greater than that which is permissible under the act, then why do we permit them to be sold in the first place? Why do we permit the possibility for—and I know you don't have the enforcement capabilities.

I know that the Assets Foreign Control is a rather overburdened agency. It does an admirable job with its resources. But you don't have the capacity really to be looking at the numbers of people who are seeking this thinking that they can get a regular visa and not have to pay these prices.

Why would we permit them to be sold in the first place, to put someone in that pressure?

Ambassador WATSON. Let me take a stab at that, Congressman, and Rick will probably give you a more detailed response.

First of all, you said something that concerned me. In no case would we condone U.S. persons spending more money in Cuba than they are allowed to do under the regulations. The package cannot be worth more than they are allowed to spend.

Mr. MENENDEZ. The hotel costs \$600 a week, and you can only spend \$100 a day. How would one rationally think that they are not spending over the amount of money that is permissible?

Ambassador WATSON. I don't know. We would have to examine each case.

Mr. MENENDEZ. These packages are greater, you know they are in most cases—I won't say all cases—but in most cases they are costing up to \$600 a week.

Now if you had stayed there 6 or even 7 nights, you are pretty close to your quota which means that, in fact, if you are going to consume anything, anything—including three meals a day under the American plan—you are going to be over.

Ambassador WATSON. If you are over, then you are in violation. I think the basic idea here is that we don't want to tell an American citizen or a legal resident that they cannot choose to travel to Cuba to see relatives and pay to stay in a hotel if they are not going to be staying with a relative, provided it is within the limits.

My understanding of these package—and I have not seen every one of them—is that the figure is for food and lodging. So you could make it—

Mr. MENENDEZ. Let me ask you this: If this is your intent, are you willing to talk to the Justice Department and, in fact, give immunity to individuals who will, in fact, tell you that they spent greater, between their package and what it costs for them, than the amount permitted by law so that this way you understand that, in fact, people are, in essence, violating the law?

What you are doing is creating an opportunity in the first place. Surely people want to go. We don't want to stop families who wish to go from going. But when they see, despite your efforts, the way to go being the package way instead of being able just simply to stay with their families, which I would say the overwhelming numbers of them would choose and they think they will be delayed from the longer process, then in fact what happens is you force them to such a conclusion.

Ambassador WATSON. Our perception so far is that they are not being delayed longer. And fewer and fewer people are voluntarily taking the package.

Mr. MENENDEZ. Would you consider giving immunity to individuals who would testify to this fact so that you would see that what, in fact, you are permitting to happen is to force them, in essence, to violate the law.

Mr. NEWCOMB. Congressman, if I might, I don't think we need to go that far, to give immunity. Of course we want information about violations of the program and this group that we regulate.

Let me cite a recent letter we sent to all travel service providers which says "Travel service providers will not be permitted to require the purchase of such hotel accommodation packages by Cuban-Americans in order to obtain expedited visas. The Treasury Department considers the obligatory purchase of these hotel packages to be discriminatory because, it places different financial requirements on persons visiting family members in Cuba based on place of birth. And it may require payments for services such as hotel accommodations and meals not desired or planned to be utilized or actually utilized. Compelling travelers to purchase an unwanted hotel accommodation package to obtain expedited visas is considered participating in a discriminatory practice and violates the terms of the operating authority granted to you when you applied for a license to provide travel services."

Now, what will we do if we can make the case that this type of activity is permitted? We would revoke the operating license. Any kind of transaction that would take place after that would be a violation of the Trading with the Enemy Act; and we would take appropriate measures.

Now, if people have hard information that they can tell us that people are being forced to do this and this is a practice engaged in, we will take action.

Mr. MENENDEZ. If they, in fact, went on the package and spent more than \$100 a day you want them to come forth and tell you that without the possibility of knowing that they would not be prosecuted for it so that we could prove to you that your policy in just permitting the packages, in the first place, leads people to have to violate the law.

Your message there to the persons who sell this is fantastic. The reality is that the people go in and have to deal with this and see this as the way—not that they desire to break the law—but see it as the way to get there quicker versus through the previous visa process.

My point is that you really want to know whether you are working or whether you just want to play a charade where we say that we are doing all this and we send notices to all these companies. By sending notices to the companies we assume they are acting in good faith and that the general opinion out there is that you can go and you don't have to buy the package and you can go the other way and you will go just as fast.

I suggest to you what you are doing is moving people to—yes, they are going to go ahead and take the package. Maybe they won't necessarily be forced *per se*, but they are going to view it as the way to get there quicker, and they are going to spend more than \$100 a day.

It is not humanly possible, with what these packages cost, to spend less than \$100 a day if you stay there for a week. Since I didn't hear you wanted to talk with the Justice Department about finding out whether it truly works. I assume we don't want to find out if it works.

Mr. Newcomb, if a company were willing to follow the telecommunications provisions rule under the Cuban Democracy Act to the letter and they charged the rate we expected them to charge, a normal rate, not the gouging that was going on, but they did so through a third country, would that be permissible under the law?

Mr. NEWCOMB. I think that question came up earlier. I think I indicated that is something we would certainly consider.

Mr. MENENDEZ. I didn't ask you if you would consider it. I asked you if it is permissible under the law.

Mr. NEWCOMB. The law we implement is pursuant to a policy statement issued by the State Department. So I would defer to the Ambassador on that.

Mr. MENENDEZ. I will be happy to hear from the Ambassador then.

Ambassador WATSON. As it stands now, we are reluctant to do that. Our view is that going through a third country is inconsistent with the guidelines as currently formulated. We lose the monitor-

ing capacity that we think is essential to keep a very close eye on the financial flows.

Mr. MENENDEZ. How do you monitor now? Isn't it the presentation of their books that you audit?

Ambassador WATSON. What we would like to have would be the kind of proposals that have been authorized under the Cuban Democracy Act and which American firms have presented to the Cuban Government but which, so far, have not been accepted by that government, which would be directly between the United States and Cuba.

I am no expert on exactly how this monitoring takes place. I may not be able to answer your questions on how it is better done here than through a third country. But I think it is fairly obvious that if it is only a direct linkage between here and Cuba, it is relatively easy to do.

Mr. NEWCOMB. We would require reports of people subject to U.S. jurisdiction. I think what Ambassador Watson's point is, that if it is outside of our jurisdiction, there is no reporting requirement.

Mr. MENENDEZ. If this is that U.S. company domiciled here in the United States and operates as well in a third country, I think you could probably get it.

If our goal is greater communication—which I agree with—and not being gouged, would you provide to me what are the processes for auditing that would substantially be different in the case I presented to you versus the case that we have now?

Ambassador WATSON. Sure. I will do my best.

Mr. MENENDEZ. Let me ask you one last question. The recent vote at the U.N. mission, can you tell me what the United States did, the State Department and Ambassador Albright, what we did against the nonbinding U.N. resolution to try to raise our position with our allies and others?

Ambassador WATSON. I can give you an overview. I can give you more details in writing.

What I am aware of is the following: First we undertook a campaign around the world to convince our allies and others to join in what we call a no-action motion which we used many times in the past successfully to prevent the questioning of Israel's credentials.

We would find a friendly country who would then, before the vote, move that there be a vote on taking no action only on the issue of the resolution in question; and then there would be no vote and the resolution of concern never comes to the floor. We did that successfully for years when certain countries tried to challenge Israel's credentials, and we won every time.

We tried that, and we found we could not get enough support around the world for such an approach to work. At that point, the only thing that was left was to lobby in favor of our position which was to vote no on the Cuban resolution, and that is what we did. We lobbied energetically in capitals as well as with the other missions of the U.N. We did not fare very well. I could get you more explicit information.

Mr. MENENDEZ. I would love to see it.

I am amazed at how many countries—I have spoken with their embassies, particularly for example, in Latin America—where I have relationships who lead me to believe that no one made an ef-

fort to reach out to them to, in fact, suggest to them or maybe not that you would have convinced them but, in fact, we did virtually nothing to defend against the actions that were going on in the U.N. Hence we end up with the type of votes that we end up with.

I find it interesting that we can have the same efforts for Haiti which is an internal problem—you know someone who deposed an elected President internally, not from an external force, and we have the most massive embargo going on which, according to the Harvard Report says 1,000 children die a month as a result of it. I don't know if that is true or not.

The only difference is time. Otherwise, we are basically in the same circumstances as far as promoting democracy. We cannot get any of our other allies to join us even in a no action motion. I would like to see what we did, so I can determine for myself whether or not we are sincere about this policy or is this policy window dressing.

Ambassador WATSON. I will ask our international organizations bureau to pull that information together. I am absolutely certain about what I have told you about the efforts on a no-action motion. We approved that cable and sent it out.

The embassies in Washington may not have been contacted directly here because this would have been done in the capitals of the countries and their missions in New York. So the reading you get here might not be fully reflective. But let me get the information and get it up to you.

Mr. MENENDEZ. I want to thank you both for coming. We have another panel, and we are going to move ahead. Thank you very much.

Our next panel is combined. All of you who are testifying, would you please step forward. I would like to welcome you all on behalf of the committee. Our colleagues will be back in a few minutes. We will go in the order of the listing on the notice starting with Panel II as they appear and working on Panel III as they appear.

We are on a 5-minute rule. We know you have waited, and we appreciate that; but considering the time and the fact that the House is going to adjourn soon, we want to make sure that members get to hear your testimony. So I will ask you to make your statement within 5 minutes.

Your full statements will be submitted for the record, and then we will be able to have a dialogue when it is all over.

So we will start with Mr. Sorzano.

#### **STATEMENT OF JOSE SORZANO, THE AUSTIN GROUP, INC.**

Mr. SORZANO. Thank you very much Mr. Congressman.

I would like to say that, having heard the moving and powerful statement of Congressman Lantos, there is very little else that needs to be said.

I would like to say that I fully support what he said. And, in the interest of time, what I would like to do is only to discuss the question that you put to Ambassador Watson.

I had the position of U.S. Deputy Permanent Representative at the United Nations, exactly the position that he had before. I served there for 5 years, and I think I may be able to shed some

light on the question that you have posed—actually that was posed by Congressman Diaz-Balart.

It is really intriguing, if not to say befuddling, that two separate organs of the United Nations, one, the Security Council and the other, the General Assembly, within a period of days, have actually made decisions that are completely at opposite ends.

On the one hand, we have the Security Council voting to impose a tremendously tight embargo against Haiti with the purpose of bringing about democracy and human rights in Haiti.

On the other hand, we have the General Assembly of the United Nations voting overwhelmingly to condemn the embargo of the United States on Cuba which has precisely the same purpose: bringing about democracy and human rights in Cuba.

How that is explainable, I think, depends on an understanding of the peculiar dynamics of the General Assembly. I don't think it is an exaggeration to say that I would say less than one-third of the representatives in the General Assembly actually vote on instructions from their respective governments. There are some who believe that the General Assembly represents the opinion of the world or even the opinion of the member governments. I found it to be not true.

Most of the time the U.N. representatives of governments have a very broad discretion. They essentially have been instructed to follow the lead of the nonaligned movement (NAM) or the lead of the G-77 countries.

In this particular case, I am not surprised that the United States was isolated. It has been a long practice of the General Assembly to have votes in which the name of the game is to isolate the United States. And during my time there—and I believe it continues to be the case—it was a common phenomenon for the United States to be isolated regardless of the merits of the case.

So the argument that somehow this has created a situation in which we have been embarrassed has to be taken in that context. I don't think it is any different now than the past. Congress can help prevent the recurrence of similar outcomes. One way the United States can lobby is not only in New York and the respective capitals but also here in Washington. Next time you see a vote coming this way, I would recommend that you call the Ambassadors of those countries in D.C. and you alert them to this vote and you will see that it has an enormous, and actually very surprising and positive, impact.

Thank you.

Mr. MENENDEZ. Dr. Torres.

#### **STATEMENT OF ALICIA TORRES, CUBAN AMERICAN COMMITTEE RESEARCH AND EDUCATION FUND**

Ms. TORRES. I am going to try to summarize.

On behalf of the Cuban-America Committee Research and Education Fund, I would like to thank the committee chairman and members for this opportunity.

I was a year-old the day Castro came to power. By 1961 my parents joined the many hundreds of professionals determined to leave Cuba. They sent my older sister on the freedom flights. We fol-

lowed a few months later leaving behind aunts, uncles, cousins, and grandparents.

I went to high school in Miami and, later, college in Texas and earned a Ph.D. in international communications. As a child, I remember my God mother in Cuba would correct my Spanish mistakes in my letters to her and mail them back to me. I waited months for those letters. Almost 30 years later, things have not changed much. Both the U.S. and Cuban Government policies have obstructed direct mail service, telephone communications, families assistance, and personal contact.

The most recent Florida International University public opinion poll on Cuban Americans in Dade County has, once again, found diversity among Cuban Americans. The respondents were divided in almost equal parts in support of a dialogue with the Cuban Government.

The poll found even greater support for resolving those issues that impact directly on our relatives. Support for more moderate policies was consistently higher among the young generations. The FIU poll, for example, found almost four times more support for the lifting of the embargo among the younger generations than among the older than 45.

The Cuban Democracy Act. The Cuban-American Committee worked with Chairman Torricelli's staff. We expressed our concerns about the embargo of medicines, food, telephone communications, and direct mail service.

Our concerns were reflected in the earlier draft of a bill in what became known as the "carrots." The drafters of the bill attempted to combine these carrots for the Cuban people with sticks for the Cuban Government. As the bill worked its way through the legislative process, both the carrots and the sticks were watered down.

Not only was the mandatory nature of the carrots in the bill removed leaving their implementation up to the executive branch, but we found the mandatory sticks intended for the Cuban Government, in fact, impacted on the well-being of the Cuban people.

Let us examine the stated goals of the CDA. The first goal is to seek a peaceful transition to democracy and a resumption of economic growth in Cuba. Will the stricter embargo lead to a peaceful transition to democracy?

The implicit goal of a policy of economic pressure is to "wreak havoc on the population so that the Cuban patriots rise up in civil protest" to use the words of some of the supporters of the CDA.

Are we prepared to deal with these consequences? We are already experiencing significant problems with the increase in boat people from 467 in 1990 to almost 3,000 in 1992.

Carried to its logical consequences, violence in Cuba would lead to some Cuban exile organizations becoming involved in gun running and commando raids. We are already experiencing this. This is becoming even more serious.

Just last week, a Miami-based paramilitary group announced threats of violence and even kidnapping for ransom of U.S. citizens who legally travel to Cuba and stayed in Cuban hotels starting on November 27.

Ms. TORRES. Are we prepared to deal with these consequences? Who will stop the boats coming and going across the Florida

straits? If indeed any of these initial signs of discontent and violence that we are already seeing are due to the sticks provisions of the CDA, we can say that the CDA is not meeting its stated goal of a peaceful transition.

Goal number two. The careful application of sanctions directed at the Castro government and support for the Cuban people. Question: Can sanctions be applied to the Castro government without hurting the Cuban people? We think not. The Cuban people are clearly hurting as we have seen in all the previous testimonies. Medicines of all kinds and medical supplies are scarce.

All cannot be blamed on the tightening of the embargo through the CDA, but the two mandatory sticks in the CDA are without a doubt making it much more difficult. The first one is the ships provision which we have already seen and the second is the end to U.S. subsidiary trade. According to the Treasury Department, 90 percent of what U.S. subsidiaries sold to Cuba prior to the CDA was medicine and foods.

In 1991, Cuba turned to U.S. subsidiaries in an attempt to substitute imports from the former socialist countries. It can hardly be argued that shutting off the new supply routes of medicines hurts the Cuban Government and not the Cuban people. Although humanitarian donations have increased in the past year, there is no way that donations can substitute imports.

According to the Census Bureau, there have only been \$380,000 worth of donations of medicines and food this year. This does not compare with \$500 million worth of sales to Cuba in medicines and foods prior to the CDA.

Mr. MENENDEZ. I just want you to recognize your time is up. If you could summarize, your full statement will be included in the record.

Ms. TORRES. OK. The third goal is to seek the cooperation of other democratic countries in this policy. I think we have seen with a U.N. vote that this has not been successful.

I wanted to—just to summarize, I think it is important to talk about the problem of freedom of speech within the Cuban American community, and I just wanted to point out one finding of the FIU poll that the respondents in Miami, in Dade County, older than 45 years old, almost half of them felt that different views with respect to the Castro regime should not be heard in Cuba, I mean should not be heard in Miami and that permits should be denied to hold public demonstrations to organizations that favor relations with Cuba.

Throughout the years, Cuban Americans who have supported positions of opening up with Cuba have suffered attacks of violence and of threats against them. We did not embargo Eastern Europe, we encouraged China to improve human rights, their human rights record precisely through relations.

The truth is that changes are occurring very fast in Cuban society. Capitalism is returning to Cuba, and younger generations are entering into positions of power. Political changes are slow, but they are surely coming. The question is: Do we want to develop policies that help a peaceful or a violent transition?

Through a policy of engagement, we could help empower this new generation of leaders in Cuba and pave the way so that the

remaining older generation could peacefully retire rather than violently fall.

Mr. MENENDEZ. I hate to interrupt you, but I think you are even using Ambassador Sorzano's time that was left over, so we will have the rest of your statement for the record.

[The prepared statement of Ms. Torres appears in the appendix.]  
Mr. Hernandez.

#### STATEMENT OF FRANCISCO JOSE HERNANDEZ, CUBAN AMERICAN NATIONAL FOUNDATION

Mr. HERNANDEZ. Thank you very much.

Mr. Chairman, Members of Congress, I would like to thank you for the opportunity to appear before you today to discuss the issue of U.S.-Cuba relations. I would especially like to express our gratitude to Mr. Torricelli for the leadership he has shown on this issue and for the tireless efforts on behalf of freedom and democracy for the Cuban people.

Today, 1 year after the Cuban Democracy Act was passed by overwhelming bipartisan support, I believe there is no better affirmation as to the effectiveness of U.S. policy toward Cuba than the fact that the unilateral lifting of the U.S. sanctions have become the number one foreign policy priority of the Castro regime.

If Castro's reaction to the Cuban Democracy Act may be used as an indication, there must be no doubt that the congressional statement of policies and intentions toward dictatorship and repression represented by the CDA is the most effective, clear, positive, non-violent statement ever in support of freedom and democracy.

And I would also state that after listening today to Chairman Gejdenson's statement about the deficit with China, I would say that this is probably the best reason why the Cuban Democracy Act is there, although why we would be subsidizing the Castro dictatorship in any case at the tune of perhaps \$1 billion or \$2 billion as we are in the case of China.

I respectfully submit that perhaps somebody in Congress should be thinking about a China Democracy Act. That in and by itself would be enough argument to amply justify the enactment and forceful implementation of the Cuban Democracy Act, but the fact is that there are even more positive developments to be at least partially credited to the message sent by the CDA.

Since 1965, when Castro exterminated all armed resistance of the Cuban people with the killing and imprisonment of thousands of guerrilla fighters in the D'Escambray mountains, the dictatorship had never confronted the massive manifestations of popular unrest and open rebellion that we have seen during the last 12 months. Literally thousands of Cubans have taken to the streets, openly challenging the government's authority in towns such as Cojimar and Regla only a few miles from Castro's seat of power in Havana.

Reports from recent defectors such as Captain Leonides Basulto, the pilot who flew his plane to Guantanamo base, indicate that military personnel are instructed to use civilian clothes when they travel to Havana because of a number of incidents in which the population have stoned military officers on the street. Whole neighborhoods are virtually taken over by the people during the frequent

blackouts. On the other hand, openly active opposition groups are multiplying while increasing their internal organizational levels.

The Foundation for Human Rights in Cuba, a project of the Cuban-American Foundation, maintains daily contact with over 40 opposition organizations, all of them support the Cuban Democracy Act, and so they stated to Congressman Lantos during his recent visit to Havana. Furthermore, they support the internationalization of embargo, and one of them, the Masaista movement for dignity formed mostly by black Cubans has sent a letter to Boutros-Ghali of the United Nations signed by over 1,000 Cuban men and women.

I have here their letter, Mr. Chairman, and all the names of the more than 1,000 Cubans who have sent this in support of the Cuban Democracy Act and the internationalization of embargo. In their letter, they say, and I quote, we must not be deceived, the Cuban conflict is not essentially between the Cuban Government and the United States; no, it is primarily a conflict between the Cuban Government and its political opposition, that is the Cuban people. In essence, Fidel and Raul Castro are the problem. They, therefore, cannot provide the solution.

Mr. Chairman, let us not be deceived. The lifting of the embargo would amount to a betrayal of the Cuban people's hopes for freedom and democracy, a moral Bay of Pigs. Let us not abandon the Cuban people now that they are gathering their best efforts, now that they see the light at the end of the long disgraceful tunnel of Castro communism.

They are not asking for weapons, they are not asking for American blood. They are asking for the moral support embodied in the Cuban Democracy Act.

Thank you.

Mr. MENENDEZ. Thank you, Mr. Hernandez.

[The prepared statement of Mr. Hernandez appears in the appendix.]

Paula Valiente.

Are you going to translate for her?

The INTERPRETER. Yes.

#### **STATEMENT OF PAULA VALIENTE, GROUP OF MOTHERS FOR DIGNITY**

Ms. VALIENTE [Through the interpreter]. My name is Paula Valiente. I was born in Cuba, and arrived in the United States 10 days ago, on the 8th of November of 1993. I am part of the growing internal opposition movement in Cuba and as a human rights activist, I preside over the group of Mothers for Dignity founded on the 1st of November, 1991.

From its beginning, the purpose of the group was to denounce human rights violations in Cuba and promote religious freedom on the island. For more than 30 years, Castro's regime has prohibited the image of the virgin to be taken out of Cuban churches. That is why on the 8th of July of 1992, with another five persons and the right of all human beings to practice their faith, we organized a pilgrimage, and taking the virgin of the statue through the streets of Havana.

As a result, all the participants were arrested. I was brutally beaten and dragged by my hair to a patrol car which took me to

the police station where I remained under arrest for 24 hours and warned that this type of activity would not be tolerated. From this day on, we organized pilgrimages every month on the 8th and always with the same results.

A few months later, as more people joined us, the pilgrimages began to take place every month on the 8th and the 24th. During that time, I was beaten and arrested on numerous occasions. On the 8th of September, 1992, in order to stop me from attending, I was previously arrested. Not without being again brutally beaten, and this time confined to a bed for 2 weeks.

I was beaten in my face, all over my body, and my kidneys were affected. I urinated blood for several days. On the 24th of that same month, despite ailing health, I went to the church of our Lady of Mercy. At the end of that mass, I went over to Monsignor Jaime Ortega, Bishop of Havana, to explain what had happened to me. I was beaten while dragged out of the church by Castro security agents.

Once outside, they threw me in front of the rapid action brigade which I would like to point out is nothing more than a lynch mob with the government's backing to eliminate those who dissent. I was beaten until I lost consciousness, and I was incarcerated for 5 days. I continued to be a victim of harassment and repression as well as the members of the Mothers of Dignity.

On the 28th of January, 1993, during a mass celebrated on the birth of Cuban patriot Jose Marti, I was once again beaten by a large number of agents in plainclothes who dragged me from the church on to the middle of the street. I was beaten with clubs, cables, bottles until I was unconscious.

That was not the last time I was beaten and arrested. The 1st of May of that same year, after another beating, I remained in prison for 18 days. I was sentenced to a year in prison, which, thanks to international pressure, was changed to 2 years of house arrest.

I want to take this opportunity to thank the Cuban-American National Foundation which publicly denounced each time that I was the object of beatings and arrests. I also wish to thank the Congress of the United States for supporting Radio Marti. The broadcasts of Radio Marti and the voice of the Foundation kept denouncing my situation. It is thanks to these broadcasts that the people of Cuba and the rest of the world can know about the opposition in Cuba and the repression that they are victims of.

During my last two arrests on the 8th and 24th of September, 1993, state security warned me that I should leave Cuba. If I refused, my 17-year-old son would be sent to prison for 8 years. A few hours after leaving the United States, I was told that my daughter would not be able to come with me despite the fact that she had authorization from her father and a U.S. visa.

Inside a police station, my daughter was forced to say that she wanted to remain in Cuba with her grandmother. Can you really believe that a child is sincere when she repeats these words in tears? I was not allowed to embrace my daughter, despite the fact that she stretched out her arms for a final embrace. I was forced to go into exile to save my son from an 8-year prison term which the State took custody of my daughter Cheila.

This, ladies and gentlemen of Congress, is an example of the inhumanity practiced by the Castro regime. The Cuban prisons are full of men and women whose only crime is to dissent.

I am here to offer once more my support of the Torricelli bill, just like I did while inside of Cuba. In Cuba, the food situation is critical, there are no medicines, the country is in bankruptcy, not because of the embargo but because the regime spent all of the Soviet aid on international war and not helping its people. All monies Fidel Castro gets from investments or tourism will go toward financing his gigantic repressive apparatus.

Today, young men and women escape on rafts to the sad destiny imposed by Castro of socialism or death. In Cuba, all human rights are violated. There are no individual freedoms, and each day repression increases. There has been no substantial changes, and each day Cuban families are divided more. Mothers are condemned to losing their children in the Florida straits or rotting in prison.

Recently in the town of Regla a mother lost her 24-year-old son, assassinated by Castro's police. The town took to the streets in support of the mother, who denounced how the beating had caused his death. So brutal was it that it destroyed his face, his body, his testicle. How much more do you think the mothers of Cuba can bear?

As a representative of a country victim of the worst repression, I ask that you please not abandon us. I have faith in God and the Virgin that soon the Cuban people will be able to live in freedom.

Mr. MENENDEZ. Thank you.

[The prepared statement of Ms. Valiente appears in the appendix.]

Ms. Mannerud.

#### **STATEMENT OF VIVIAN MANNERUD, PRESIDENT OF AIRLINE BROKERS COMPANY, INC.**

Ms. MANNERUD. Distinguished Members of Congress, my name is Vivian Mannerud, and I am president of Airline Brokers Company, Inc., and I am honored to be here today. In the essence of time, I am submitting my written testimony.

For the past 11 years, Airline Brokers has provided travel-related services to persons authorized to travel to Cuba. Airline Brokers services are under strict control, very strict control of the Office of Foreign Asset Control, the U.S. Department of State, the U.S. Department of Commerce and the Department of Transportation. I have very good working relations with all of the officials of these agencies.

U.S. law currently permits Cuban-Americans to travel to Cuba to visit their close relatives based upon a U.S. policy that encourages family reunification. Some people question this policy and are now attempting to restrict or limit family travel to Cuba. I am here to testify about the recent efforts to prevent Cuban-Americans from traveling to Cuba and to force Airline Brokers out of the Cuban travel business.

Since late July 1993, the Department of State has repeatedly questioned Airline Brokers public charter program without explanation or apparent justification. I believe that the actions of the Department of State are in response to congressional concerns

about the cost of hotel packages, the tourist visa requirements, and what they perceive is an increase in travel to Cuba.

There are several reasons why these concerns are not legitimate reasons for withholding or delaying approval of Airline Brokers flights. First, Airline Brokers does not sell hotel meal packages to the public, it only charters aircraft for persons authorized to travel to Cuba.

If the Department of State has any concerns or questions about the tourist visa requirements, the Department of State should address these concerns directly with the agencies and not with Airline Brokers.

Second, while the Department of State and OFAC reviewed the questions of the tourist visas from July 30 to September 14, both agencies publicly stated that Cuban-Americans who had obtained the tourist visas could travel to Cuba on the already approved charter flights. DOS, however, continued to delay approval of the Airline Brokers flights.

Third, and most important, since October 1993, Cuba has been issuing tourist visas to persons who do not want hotel accommodations. There should be no further debate about the Cuban tourist visa since the hotel requirement is not an issue any longer.

With respect to the hotel meal packages, these packages fully comply with the \$100 per diem limitation. The least expensive package cost is \$490 for 7 nights, double occupancy. That is \$70 per night. Cuba will receive at most \$63 per day.

The Department of State should not question hotel meal packages that support and comply with OFAC's policy of restricting the amount of money authorized travelers may spend in Cuba. If by chance a licensed agency has sold a hotel package to Cuban-Americans that exceed the \$100 per diem limitation, then OFAC should initiate an investigation into the conduct of that agency but not withhold approval of the Airline Brokers charter flights.

Fifth, Airline Brokers charter programs with United does not represent an increase in travel to Cuba. In fact, Airline Brokers is operating fewer flights than it has in the past.

With respect to the charter program with United Airlines, Airline Brokers has simply responded to the demand of persons authorized under the OFAC regulations to travel to and from Cuba.

Surprisingly, some elected officials have publicly condemned Airline Brokers charter program without justification. Some Congressmen have made public statements that the charter flights and the hotel package are illegal when in fact the Department of Transportation stated that the flights were in full compliance with U.S. law and OFAC has made clear that the hotel packages comply with the \$100 per day limitation. Moreover, the hotel packages are now optional. These Congressmen have not retracted their misstatements.

In addition, a gentleman named Carlos Doltz, claiming to work for Congressman Lincoln Diaz-Balart, gave numerous interviews stating that the Airline Brokers flights were totally illegal. He also contacted the Department of Transportation on numerous occasions to pressure the Department to deny approval of the Airline Brokers charter program.

A representative from a conservative Cuban-American organization furthermore visited United Airlines and requested that United

Airlines cancel its contract with Airline Brokers. A Miami-based paramilitary unit also publicly stated that it will attack all persons traveling to Cuba. Moreover, a Spanish-speaking radio station has reported that all persons who travel to Cuba will lose their medic-aid, medicare and social security benefits.

All of these actions have resulted in the intimidation of Airline Brokers passengers who now believe they will be stranded in Cuba, lose their social security benefits or be harmed. By repeatedly questioning and delaying its approval of Airline Brokers charter programs with United, the Department of State has sent mixed signals to the public. Because of this, in the last 3 months, Airline Brokers has lost \$234,000 in revenue and has incurred over \$30,000 in costs and expenses including legal fees.

While I support a peaceful transition to democracy in Cuba, I do not believe that the goal can be attained by further tightening the embargo against Cuba. History has shown that those countries that are isolated are the slowest to move toward democracy, and the U.S. embargo has only isolated Cuba more.

With the collapse of the Cuban economy, the United States has an opportunity to have an impact in Cuba. Cuban-Americans visiting their family will no doubt provide valuable information to their families about life outside of Cuba, and hopefully with this information, the Cuban people will decide on their own the future of Cuba.

It would be a far better policy to continue to allow families to be reunited than to restrict or prevent open personal communication between Cuban-Americans and their families. Airline Brokers charters program fully complies with U.S. law and its passengers are authorized to travel to Cuba. I hope that all political debate regarding these flights will end.

Thank you.

[The prepared statement of Ms. Mannerud appears in the appendix.]

Mr. DIAZ-BALART. Mr. Chairman.

Mr. MENENDEZ. Mr. Diaz-Balart.

Mr. DIAZ-BALART. You were informed by my office, were you not, that this gentleman had nothing to do with my office?

Ms. MANNERUD. Yes, sir, I was informed by your office and the gentleman still kept claiming in the newspaper that he did work for your office. That is why I said he claimed he worked for you.

Mr. DIAZ-BALART. Did he claim ever to work for any other Congressman?

Ms. MANNERUD. Not to my knowledge. Not that I saw printed in the newspapers.

Mr. DIAZ-BALART. OK. So anything you see printed in the newspapers you will put in your testimony, even after we tell you that it is incorrect? If it is in the paper, you will put it in your testimony; is that your standard?

Ms. MANNERUD. Mr. Menendez also mentioned Mr. Doltz as a reliable source, I believe, in one of your statements about the packages to the—

Mr. MENENDEZ. I didn't say anything about Mr. Doltz working for Mr. Diaz-Balart. I said Mr. Doltz made a complaint. That is far

from making him a reliable source. I just asked the question. The State Department got a letter, I got a letter.

Ms. MANNERUD. Right. And Mr. Doltz did make a statement that he did work for your office. I understand, I called your office, but that has never been retracted in the newspaper that he does not work for your office.

Mr. DIAZ-BALART. I just questioned why my office is even going to bother in the future to deny anything to you if even after we deny something to you, you still go ahead and put it in your testimony.

Ms. MANNERUD. I was really not attacking you, and I am sorry that you took it that way.

Mr. MENENDEZ. For the future, I hope you know that the public payrolls of Members of Congress are available.

Mr. Stern.

#### STATEMENT OF GARY M. STERN, LEGISLATIVE COUNCIL WITH THE AMERICAN CIVIL LIBERTIES UNION

Mr. STERN. Thank you. My name is Gary Stern. I am a legislative council with the American Civil Liberties Union. I ask that my full statement be put in the record.

Mr. MENENDEZ. Without objection.

Mr. STERN. The ACLU is a nonprofit, nonpartisan organization dedicated to the protection of civil liberties and the democratic process. The ACLU takes no position on U.S. foreign policy toward Cuba or the Cuban embargo. Our only concern is whether this embargo or any other embargo violates the constitutional rights of individual liberties and the democratic process.

In this case, and contrary to government witnesses, we do believe that the current implementation of the trade embargo on Cuba does violate the constitution because it amounts to a restriction on the fundamental constitutional right to travel and the right to know and receive information.

The right to travel is protected under the Fifth Amendment of the constitution as a liberty interest, and it is also in this case protected with respect to First Amendment rights that are implicated by these restrictions.

Under the First Amendment, every person is entitled to learn for him or herself about the policies and activities of our Government, to participate in public debate about all issues. To effectively do this, Americans must have access to information. When the debate is about foreign policy matters, they must have access to information about events taking place beyond U.S. borders.

Therefore, in our view, there should be no doubt that except in the most compelling circumstances, the government should not interfere with the ability of private citizens to find out for themselves what is going on around the world and to use that information to participate in the public debate.

As Chairman Berman noted earlier, we believe as well that the restrictions on the travel to Cuba are unconstitutional and that the Supreme Court ruling from 10 years ago in *Regan v. Wald* is not dispositive on this matter because the national security considerations that guided the outcome of that case no longer exist.

I think this has been recognized by the U.S. Government itself because it no longer justifies the embargo and the resulting travel restrictions in terms of protecting our national defense. Instead, they have recently articulated that the purpose of the embargo is to promote democracy and human rights in Cuba.

We have no doubt that this is a legitimate foreign policy objective, but it simply does not carry the same weight as the national security concerns of previous cases to justify the infringement on the right of Americans to travel and to learn about foreign events. I would also like to comment briefly on the licensing scheme that has been set up by the Office of Foreign Assets Control which we believe on their face and as implemented also violate the right to travel and First Amendment rights, because they grant to OFAC officials unbounded discretion to grant or deny a license application.

I think, as Chairman Berman tried to elucidate from Mr. Newcomb on previous questioning, it was made clear that the Treasury Department has no standards about how they define, for example, travel for educational purposes, and we have received reports of examples just in the last couple of months in which people who wanted to travel for purposes of attending an international conference, which Mr. Newcomb indicated would be permissible, were nonetheless denied a specific license upon their application. These were mathematicians who were attending an international conference on approximation theory that was cohosted by the University of Havana and Humboldt University from Berlin.

Interestingly, the OFAC did grant licenses to members of another group of engineering societies to attend an international conference in Cuba, and they have not given any explanation for this disparate treatment. We are concerned because we are informed as well that the engineers' application was made by an official from the National Science Foundation, which is an agency of the U.S. Government. This would possibly suggest that the decision to grant the license was influenced by the fact that this group of private citizens was traveling with the support of the U.S. Government.

That is precisely the constitutional concerns that we have that the decision is made depending on whether or not they have the support of the government, and therefore, whether there is some kind of political compatibility with the intent of the embargo. That is precisely what the constitution prohibits in all circumstances.

Finally, let me just note that the testimony given by Chairman Lantos at the beginning of this hearing offers a very compelling description of events that he was able to learn by personally traveling to Cuba, then relating to all of us here and all of the American people. And I think it was essential that he was able to go, as he indicated, and it is our belief that all Americans must have the equal right to travel to Cuba to glean the same type of information to share with their fellow citizens and to participate in this debate as well.

Thank you very much.

[The prepared statement of Mr. Stern appears in the appendix.]

Mr. MENENDEZ. Thank you.

As I said, all of your testimonies will be included in the record. Let me start with—

Ms. ROS-LEHTINEN. Mr. Chairman, if I could ask for Congressman Smith's testimony—opening statement to be submitted at this time as well.

[The prepared statement of Mr. Smith appears in the appendix.]

Mr. MENENDEZ. Without objection. Let me start with Dr. Torres.

First of all, for my own edification, I receive from you or your organization periodically information which I read, and I would like to know exactly who is your organization? Who do they represent and is it a lobbyist? Are you a lobbyist with clients? Or just give me some background.

Ms. TORRES. The Cuban-American Committee Research and Education Fund was formed after the "Dialogue." We participated in the "Dialogue," organized under the auspices of the Carter administration, and a group of us at that point formed the committee to educate both governments, both the U.S. and the Cuban Government, on the needs of our community.

We have supported lifting of the embargo, and we have also been supportive of a change in Cuban policies toward the Cuban-American community, especially those that affect travel, and policies that, affect Cuban-Americans when they travel to Cuba, we are not able to enter certain stores in Cuba, for example, and a number of other policies that the Cuban Government has toward the Cuban-American community. We have been advocates for changes in Cuba with respect to these issues.

In 1979, we presented the State Department with a list of 10,000 Cuban-American supporters of a policy to lift the embargo.

Mr. MENENDEZ. I appreciate that. If you would be a little refined to my question which is: One, are you a lobbyist; and two, what is your organization? Is it a 501(c)(3) organization?

Ms. TORRES. We are a 501(c)(3). That is why I said it was a public education organization, 501(c)(3), we are not lobbyists.

Mr. MENENDEZ. OK. The resources for your specific group come from charitable contributions?

Ms. TORRES. Yes, from individual donations and from different foundations.

Mr. MENENDEZ. Which you report?

Ms. TORRES. Yes, of course.

Mr. MENENDEZ. OK. Let me ask you this, have you read the National Latino Political Survey of 1992?

Ms. TORRES. I read some reference to it.

Mr. MENENDEZ. In it, it says, and I am just trying to see how your view of this dovetails with your own position, the question was asked, should United States establish relations with Cuba, and the following Latino groups answered this way: Mexicans, 56.3 percent said no; Puerto Ricans, 59.7 percent said no; Cubans, 66.5 percent said no. Now that is a year ago, granted, but I don't think that there is dramatic change, having read their information.

How does that reconcile with your views that I gather you try to present in your testimony that a majority of at least the Cuban community, notwithstanding the other communities, are in favor of your position or is that—

Ms. TORRES. No, I am sorry, you misunderstood. In no way did I say that there was a majority. What I said was there was diversity among the Cuban-American community. I said that the Cuban

community has been almost divided in equal parts with respect to a dialogue, and that there is greater support for resolving those issues that impact directly on our community, such as travel, telephone communications, medicines, those things that impact directly on being able to maintain family relations.

All the polls in Miami have consistently shown greater support for that than for relations. What I did say, though, the polls have indicated that as you look at younger generation Cuban-Americans, there is greater support for more moderate policies.

Mr. MENENDEZ. So as it relates to one of the things that your organization advocates, which is the issue of lifting the embargo, you would agree that the majority of the Cuban-American community does not support that position?

Ms. TORRES. I would say that there is a significant sector of it that does not, and I believe that there is greater support among younger generations for lifting of the embargo.

Mr. MENENDEZ. Is a significant sector a majority? In 1992, it was 66 percent, and 1 month ago, 200,000 Cubans lied in the streets of Miami. It seems to me that that is very telling. I would just like to know what—I understand what you are saying as it relates to other issues. But on the issue that has been both polled not by any Cuban organization because those results are from Mexican-American organizations, as well as the living testament of about a month or maybe two ago where 200,000 Cubans took to the streets of Miami, less have made the Washington mall and received more attention, but nonetheless, that to me indicates the sentiment of the community.

Ms. TORRES. I think that one of the beauties of this country is precisely that even nonmajority points of views and minority rights have a right to be heard, and what I am saying is that there is a sector of the Cuban-American community that does support an opening up and a resolution, and almost—you can look at different polls—there are polls that say that as much as 35 to 40 percent, Cuban-American support negotiations and when you look also at polls of the general U.S. public, there is even greater support for negotiations with Cuba among the general U.S. public. And all I am saying is that there is a sector of the Cuban-American community and much more within the younger generations that is more in tune with the rest of the United States in supporting of more moderate policies.

Mr. MENENDEZ. Two other questions, then I will yield to my colleagues, although I would have many for many of the panelists, but time is getting late.

What evidence do you have that the normalization of relations would lead to a more peaceful outcome in view of the fact that when the Castro government was receiving nearly \$6 billion a year in subsidies and Gorbachev came and said, "Let's try glasnost and perestroika," that the hand that was feeding \$6 billion a year was told no; that Cuban students in Russia were not desired to come back because we don't want to affect the rest of society, and at a time when that money could have been used for economic reform and maybe even, God forbid, political reform, which is part of a peaceful transition that is desired.

The normalization of relations also obviously implies aid and/or trade, because that is the only lack of normalization short of diplomatic relations that exists. If it didn't—if there could be no change, no opening, no glasnost, no perestroika with a \$6 billion tag, then what would it take for the United States?

Ms. TORRES. Well, it is a very complicated question you have asked. First of all, obviously the socialist camp has disappeared, the socialist countries have disappeared. Cuba has no other options now than to change, and they have initiated a process of change in the economic arena, and I believe that that will continue in the political arena.

The problem is that people in Cuba cannot think about doing anything politically because there is no time, you have to spend all your time trying to survive, trying to feed your children, trying to obtain whatever medicines that you can, so, I think, that if we continue pursuing this policy of continuing to make this situation much more difficult, we will continue to see then an increase in some of the violence in areas that we have been seeing in this past year, not only in Cuba, but among the Cuban-American community.

I think it is a very legitimate question for the U.S. Government to ask itself what are our objectives with respect to Cuba. Are we prepared for what could happen in Cuba if our policy promotes violence and chaos. If there is violence in Cuba, does that really meet our concerns? Is it something that can affect us as a nation?

Mr. MENENDEZ. I must tell you, and then I will yield, that what upsets me about the views—and I respect your ability and your right to present them—what I never hear, however, in the views of those who make their presentations such as yours is, I never hear anything about human rights. I never hear anything about the political prisoners. I never hear anything about the experiences of persons like Mrs. Valiente. I never hear the fact that this is a unilateral embargo and that Cuba is free to trade with every other country in the world.

We are not the only producers of food, medical supplies and equipment. And in fact if they have the currency they could purchase it, but it is the economic system or the lack thereof, of Fidel Castro that in fact creates the circumstances that doesn't let the Cuban people get what they need.

They had \$6 billion a year and people were rationed. I don't quite understand when you had \$6 billion a year why the Cuban people still had to be rationed, and I don't understand when you are free to trade with every other country—Mexico, Spain, France—all of which are producers of both food and medicine, that you can't buy what you need unless of course it is that your economic system is one which is totally collapsed, proven to be unworthy because you just don't have \$6 billion a year to keep you afloat.

What bothers me is the focus of the statements, and I respect your statements, that it would make it seem that relations would automatically release political prisoners, create political rights, put food on the tables of Cuban families. It didn't when there was \$6 billion a year, and it doesn't even though you have the right to buy from any other country in the world. That is my difficulty with some of the positions that you have.

Ms. TORRES. Do you want me to respond? I mean, basically, if you look at the testimony, in no way do I say that the sole reason is the U.S. embargo. I am saying that it is due to: the U.S. embargo; and the tightening of the U.S. embargo last year with the end to U.S. subsidiary trade; and the cutting off of the supply route for the Cubans to import medicines and foods; that these measures have made it much more difficult to obtain these goods in Cuba.

I believe that it is probably a short-term issue because, in the long run, Cuba will find other markets. However, it is going to be more expensive for them to obtain those goods, and right now, because the situation is so precarious, our efforts to make it much more difficult to obtain needed goods, I think, is hurting the population, not the Cuban Government.

Mr. MENENDEZ. The reality is the embargo is not new.

Ms. TORRES. It is not what?

Mr. MENENDEZ. Not new. And but for the \$6 billion a year, Castro used to laugh and say it was a joke. If it was a joke then, then I guess it still should be viewed by him at least as it is a joke, it doesn't really have any effect. Yet we hear constantly that it has effects here, but in fact there was really nothing to it. He laughed in the face of it.

But without the \$6 billion a year, I guess it is a lot more difficult to keep your command economy in such a way that should be putting food on the tables of Cuban families instead of having the third largest military in the world, but I will yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Paula, I would like to congratulate you for being here. It is an honor for those of us on the subcommittee to hear your valiant testimony. It tells us a lot about the Cuban spirit, that after 35 years of Godless communism, the Cuban people still say I believe in God, I have a faith, and I am willing to risk what little I have to practice my faith.

I think that that says a lot about the human spirit. It says a lot about the Cuban spirit, and I congratulate you for being here with us. I am very happy to see you in one of the most wonderful countries in the world, the United States, where we have freedom to practice one's religion.

I wish that one day soon in our native homeland when we return for that free Cuba that we would have that right again.

If you could tell us something about religious persecution in Cuba. Being a person who has lived it with your own flesh and blood, tell us about the groups that are persecuted in Cuba for practicing their faith.

I have a lot of reports that I get in my congressional office, most of the work that we do is tied to immigration, and a lot of the individuals who come to see us talk about religious persecution, they are of the faith of Jehovah's Witnesses, and we have reports over and over again of extreme persecution of people who follow that faith.

Do you have reports that that systematic persecution continues throughout the island of Cuba? Is it more for certain faiths and is it more in certain sections of the country, and is the increase in persecution of people who want to practice their religion tied to

their neighborhood or how active the neighborhood watchdog committees are? And is that why in some areas it is more intense, the persecution, than in other areas?

Joe Garcia is doing a great job of translating my rambling.

Ms. VALIENTE. Well, I would say that in these moments, many members of different organizations that have united themselves to the religious pilgrimages that we make to churches are victims of persecution, they are arrested, they are on certain days that we go to these pilgrimages to the churches.

This is simply for being people who defend human rights and that they have united themselves to this cause, and that they have united themselves through faith to try to eliminate some of the hate that the Castro regime has.

Other religious persons are followed also, fundamentally, the Jehovah's Witnesses. It doesn't matter where you live. They are victims of persecution. In fact, they come to the opposition groups to let us know about this persecution, and to look for a way to get to the U.S.-Cuban intersection to let them know the reality that is going on.

The repression in Cuba is horrible, terrible. The pain of the Cuban people should sensitize all men that are free, all men with dignity. I believe that Castro cannot continue buying the dignity of men because always there is someone who defends the repression in the Castro regime because they are either an agent of the Castro regime or Castro has bought their dignity.

The Cuban people are suffering and they are victims of the persecution and the need, and all the money that goes into Cuba is to use it in the repressive apparatus that is used against not only the human rights activists, but the whole country, the country as a whole, and the youth in particular.

Ms. ROS-LEHTINEN. Thank you very much.

Mr. TORRICELLI. Mr. Diaz-Balart.

Mr. DIAZ-BALART. Thanks, Mr. Chairman. I know the time is late. I will be very brief.

A question for Dr. Torres. Does your organization have, as one of its tenets, the support of self-determination for the Cuban people?

Dr. TORRES. Yes, we support the self-determination of the Cuban people, although the focus of our organization has been to work on those issues that impact directly on the Cuban-American community.

We have specifically looked at the embargo of medicines and foods, family relations, those policies in both countries that impact on U.N. We focus much more of our attention on a Cuban-Cuban-American agenda, and the specific issues on that agenda.

Mr. DIAZ-BALART. So you do support self-determination?

Ms. TORRES. Yes.

Mr. DIAZ-BALART. How does a people manifest its self-determination?

Ms. TORRES. How do people manifest?

Mr. DIAZ-BALART. How do people in the world manifest self-determination, do you know?

Ms. TORRES. I believe, obviously, in different ways.

Mr. DIAZ-BALART. No. Wouldn't you say free elections are the ways in which we in the 20th Century have seen manifestation of self-determination?

Ms. TORRES. I believe that that is one of the ways. It depends on each country and the history of each country. I don't understand exactly what it is that you are wanting to ask. If you could get to the question, please, yes.

Mr. DIAZ-BALART. I will be more specific then, because I guess we have a difference of opinion on the definition of self-determination.

Does your organization have as one of its tenets the support of internationally supervised elections in Cuba?

Ms. TORRES. No, we are not currently working on this agenda. I specifically told you the issues that we work on, which are the issues that—

Mr. DIAZ-BALART. The answer is no. OK.

Ms. TORRES. Yes.

Mr. DIAZ-BALART. In one of the questions which you have answered, you say that Cuba is not Haiti or South Africa where the internal leaders of the resistance support the embargo of their countries.

Did you hear Congressman Lantos' testimony?

Ms. TORRES. Yes, I was hear for Congressman Lantos' testimony.

Mr. DIAZ-BALART. Are you saying he is incorrect, that he is mistaking the facts when he says the consensus in the dissident community in Cuba is in support of the embargo?

Ms. TORRES. I believe he said he met with several dissidents and all but one was supportive of the embargo. If you read further in my testimony, you will see what I think is happening is that you cannot expect for a person who has just left the country or for a person who is wanting to come to the United States to meet with U.S. officials and be critical at the same time of U.S. policy.

There are a number—there are a number of—there are a number of human rights activists inside of Cuba who have called for lifting of the embargo. And I am not saying with that that there are not human rights activists in Cuba that may not support the embargo. I am saying that I believe the majority of the human rights activists in Cuba are not supportive of the embargo.

Mr. DIAZ-BALART. Would you agree or disagree with Congressman Lantos' assertion there are two tiers of dissidents; the government-authorized dissidents and the legitimate dissidents? Are you in agreement or disagreement with Congressman Lantos on that?

Ms. TORRES. I don't recall him saying that, so I cannot tell you whether I am in agreement or in disagreement with Congressman Lantos.

Mr. DIAZ-BALART. You will have to read his testimony afterwards because he did say that.

And with regard to your statement that you mention here a number of dissidents, one of which you say Gustavo Arcos opposes the U.S. embargo. I have personal knowledge that the Arcos Bergenes brothers do not oppose that and they do it in a very brave way.

Ms. TORRES. There was a report published here last year where they called for an easing of the tensions, and I believe there was

a reference to the embargo. It was submitted last year. When I testified, I submitted it for the record. I could look for it and try to get it to you.

Mr. DIAZ-BALART. Well, I have received communication from them directly and know that they are under extreme pressure. Sebastian is in prison today and, nevertheless, they maintain an extremely valiant and brave position.

Do you think that Aristede has no concern for the well-being of the people of Haiti?

Ms. TORRES. I am not here to testify on Haiti. In fact, what I am saying is that Cuba and Haiti are obviously different. If you read my testimony, which apparently you have read it, they are very different cases. I am not here today to testify on Haiti. The situation in Haiti is quite different.

There is international support for the internationalization of the embargo of Haiti. Aristede was elected by the Haitian people and it is a very different situation there.

Mr. DIAZ-BALART. Well, Aristede, he has called for a complete military blockade of Haiti in support of the rights of the people that elected him President. So I just wondered—I guess you do not want to comment on that because that is, you say here that the unilateral U.S. embargo hurts the Cuban people, yet you are not willing to venture an opinion with regard to the call of President Aristede with regard to a worldwide total embargo of Haiti.

Ms. TORRES. What I said, Mr. Congressman, was, if you read further, that I do make a distinction between Haiti and Cuba. There are a number of differences—you cannot compare Haiti and Cuba.

Mr. DIAZ-BALART. I think you can.

Ms. TORRES. There are a number of differences. There is international support for the Haiti embargo and not the Cuban embargo. I am telling you, if you read a little further, there are several other statements in the testimony.

Mr. DIAZ-BALART. There is no doubt there are differences. The Haitian dictatorship does not have the support of the United States that the Cuban dictatorship has, and it does not have the support certainly in the international community the Cuban dictatorship has. In that sense, there is a big difference.

That is all, Mr. Chairman.

Mr. TORRICELLI. I want to thank all the panelists for being here, and I am sure it is not the last time we will speak. Thank you so much for being here.

[Whereupon, at 6:35 p.m., the joint subcommittees were adjourned.]

## APPENDIX

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STATEMENT OF HOWARD L. BERMAN  
CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS  
JOINT HEARING WITH SUBCOMMITTEES ON WESTERN HEMISPHERE AFFAIRS  
AND ECONOMIC POLICY, TRADE AND ENVIRONMENT

U.S. Policy and the Future of Cuba: The Cuban Democracy Act and  
U.S. Travel to Cuba

November 18, 1993

The scope of this hearing is a broad assessment of U.S. policy towards Cuba, as is apparent from the joint sponsorship of it by the three Subcommittees. My interest in it is based on a set of concerns which is at once narrower and broader than the scope of this hearing: narrower in that I do not pretend to have studied the larger policy dimensions of Cuba policy, but am deeply committed to the vindication of the constitutional rights of U.S. citizens to travel, receive information, and communicate with the peoples of other countries; broader in that my commitment to those constitutional principles is not limited to the context of the Cuban embargo, but extends to all embargoed countries.

I supported passage of the Cuban Democracy Act last year. I did so because I shared the Act's stated commitment to the promotion of communication between the peoples of Cuba and the U.S. Although I was concerned that the Act's imposition of substantial new fines would chill Americans' exercise of their constitutional rights, I worked to include provisions in the Act which exempted such activities from the new civil penalties imposed by the act. My concerns all along have been that while a limited range of educational travel and other communication have been permitted by Treasury Department regulations, many bona fide educational and similar activities have been restricted or prohibited, and that discretion to interpret the scope of what is permitted is exercised in a way which discriminates against travellers and others because the government does not approve of their political opinions.

It is for this reason that I am deeply concerned by the regulation which the Treasury Department has adopted to implement the amendment I offered to the Cuban Democracy Act. Unlike the Treasury Department's practice in the past, where the types of travel permitted are given a general license, the new regulation requires an application for a specific license for each trip, and provides no standards for Treasury's decision other than stating that licenses will be approved "in appropriate cases".

The difficulty with specific licenses rather than general licenses is that this would allow Treasury to deny a license for a subsequent trip if it disapproved of the previous one. Since I have long been concerned precisely that licensing authority has been used for purposes of political censorship in the past, that is a substantial concern. Moreover, the vague language "appropriate cases", which provides no firm standards to which Treasury may be

held, grants unbounded discretion to the Executive branch in regulating constitutionally protected activity, which courts have ruled unconstitutional in considering other legislation and regulations.

My preferred approach would be to recognize that travel is a constitutional right, and to permit it broadly, restricting it only in a narrow range of instances where compelling national security considerations apply, such as proliferation or terrorism. I have for many years promoted such an approach in the Free Trade in Ideas Act, which would apply to all embargoed countries and not only Cuba.

When the U.S. Supreme Court rejected a Constitutional challenge to the ban on travel to Cuba, it did so with reference to certain special considerations. The challengers in Regan v. Wald had argued that all travel, including commercial or purely recreational travel, were constitutionally protected. I do not share that view. Moreover, the national security grounds on which the court based its decision were that Cuba was an ally of the Soviet Union, supported armed violence and terrorism in the Western Hemisphere, and had 40,000 troops stationed in Africa and the Middle East in support of objectives inimical to the U.S. Thankfully, none of these considerations apply, and it is not at all clear that the minimal transfer of assets under present circumstances constitutes a sufficient basis to deny Americans the right to travel.

On June 7 this year, as the Foreign Affairs Committee was poised to consider the Free Trade in Ideas Act as part of the State Department's authorization bill, I received a letter from the Secretary of State affirming this Administration's commitment to the dissemination of information and ideas as a central element of our foreign policy, recognizing that it can advance rather than hinder the foreign policy purposes for which embargoes are imposed, and offering to initiate an expeditious inter-agency review to determine how much might be accomplished by regulation.

I understand that the review is still underway, and I therefore do not consider this the appropriate time to enter into a discussion of what the results might be. However, I would like to express my satisfaction that the Administration recognizes that promoting contact between Americans and the peoples of embargoed countries can be extremely effective in promoting freedom. I am struck by the fact that where we permitted such contact Communist dictatorships have fallen, and that the only ones remaining are those which have been denied such contact. Our advocacy of intellectual freedom is also a lot more effective when we practice it ourselves.

There is one final issue I should like to raise, unrelated to the scope of the Free Trade in Ideas Act which deals with Treasury licenses, but very much related to the free flow of information and culture. I recently have been disturbed by the State Department's

role in issuance of visas to Cuban musicians and academics. In two recent cases, musical ensembles of Afro-Cuban religious orientation which were invited to give concerts free of charge, were denied visas for some of their members. In one instance, the lead singer was denied a visa while the rest of the performers were approved, while in the other the lead singers were approved but the back-up band was denied visas. Where no money is to change hands, this represents an intolerable burden on the rights of Americans. In other instances, visas for academics have been delayed until the delay threatens the academic activities for which they were invited.

If Castro is a threat to the U.S., or to his own people, let's get on with devising policies central to addressing that. Let's not restrict the constitutional rights of Americans, or act as if Cuban folk musicians will bring down the Republic.

Opening Statement of the Honorable Cynthia A.  
McKinney

Before the hearing on U.S. Policy and future of Cuba; the Cuban Democracy Act, U.S. Travel to Cuba, and Next Steps, Sponsored by Economic Trade and Policy, Western Hemisphere and International Operations Subcommittee.

November 17, 1993, at 2:00 P.M.

I will like to commend Chairman Sam Gejdenson, Chairman Robert Torricelli, and Chairman Howard Herman for holding this hearing.

On November 3, 1993, the U.N. voted on the resolution called "Necessity of ending the Economic, Commercial and Financial Embargo imposed by the United States of America against Cuba." It urges the United States to end the embargo. There were 88 votes in favor of the resolution , 57 abstention and only 4 votes against ( Israel, United States, Paraguay and Albania). The resolution appeals to all countries to refrain from and promulgating laws similar to the trade embargo. Some of my dear colleagues feel that the embargo will promote democratic change.

Human rights and democracy are two of the pillars of the United States foreign policy, according to the Administration. It is ironic that these pillars are ignored when we consider China Most Favored Nation status, and when we consider the North American Free Trade Agreement with Mexico. Our pillars of foreign policy should be in uniformity applied throughout the world.

With the collapse of the Soviet Union, Cuba is no longer a threat to the United States national security interest. We must now look beyond the Cuban government. We must begin to look at the impact of the embargo on the Cuban People. The blockade has had a devastating impact on the health situation. It has directly contributed to death, disability, and suffering. The food supply has diminished, medical supplies of all kinds are scarce. There are reports that the lack of eye glasses has begun to have an impact on school children ability to learn.

We should begin to dialogue with Cuba in efforts to achieve our desired outcome. Certainly the most powerful nation in the world, since the collapse of the former Soviet Union, can formulate a policy that does cause humanitarian suffering among the Cuban population to accomplish our national political objective.

Thank you and I look forward to question and answer period.

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## Cuban American Committee Research and Education Fund

ALICIA M. TORRES Ph.D.  
Executive Director

### ONE YEAR LATER: THE GOALS OF CUBAN DEMOCRACY ACT

#### TESTIMONY

by:  
Alicia M. Torres Ph.D.

HOUSE OF REPRESENTATIVES  
SUBCOMMITTEES OF FOREIGN AFFAIRS:  
Western Hemisphere;  
Economic Policy, Trade and Environment;  
International Security,  
International Organizations and Human Rights

November 18, 1993

INTRODUCTION:

On behalf of the Cuban American Committee Research and Education Fund, I would like to thank Chairman Torricelli, Chairman Gajedson, Chairman Lantos and other subcommittee members for the opportunity to testify here before you on U.S. policy towards Cuba and on an issue that most Americans take for granted-- the right to stay in touch with and assist our relatives and loved ones. Unfortunately, for Cuban Americans, this "right" has been a foreign policy card used by both Cuban and U.S. governments in the on-going U.S.-Cuba dispute.

I was a year old when Fidel Castro came to power. By 1961, my parents had joined the many hundreds of professionals determined to leave Cuba. They first sent my eldest sister on the Freedom Flights organized to evacuate children before the start of the school year. We followed a few months later, leaving behind aunts, uncles, cousins and grandparents. I went to high school in Miami at the same Catholic school my mother had attended in Cuba that had been re-opened there. I later attended college in Texas and earned a Ph.D. in International Communications.

As a child, I remember that my godmother in Cuba would correct my Spanish mistakes in my letters to her and mail them back to me. I waited months for those letters. Almost 30 years later, things have not changed much-- both U.S. and Cuban government policies obstruct:

direct mail service- letters take up to several months to reach their destination;

telephone communications-- less than one percent of the attempted calls are actually connected;

family assistance-- U.S. regulations reduced the amount of family remittances last year from \$500.00 to \$300.00 every three months and the embargo on foods and medicines makes these products less readily available for our relatives;

personal contact-- Cuba historically has been responsible for these limitations. Although recent policy shifts in Cuba are indicative of changes in this area, Cuba, for the most part, has considered those of us that left to be "enemies" and has severely restricted, and at times prohibited, travel back to Cuba to visit relatives.

CUBAN AMERICAN COMMITTEE RESEARCH AND EDUCATION FUND:

I met my relatives I had learned to love through photographs in 1978 when I returned to Cuba for the first time to participate in a Carter Administration initiative commonly referred to as the Dialogue- a series of conversations between the Cuban government

and representatives of the various different sectors of the Cuban American community which resulted in setting up procedures for family reunification and the release of political prisoners.

Several of the participants in the Dialogue formed the Cuban American Committee Research and Education Fund to educate both governments on these needs of our community. We have advocated that the Cuban government develop consistent policies for the Cuban community. We also support the lifting of the embargo, particularly the embargo on medicines and foods.

The concerns of the Cuban American Committee are twofold. Our primary policy concern is with meeting the needs and concerns of a significant sector of our community. Secondly, we are concerned about the future of Cuba. We believe that U.S. policy could serve as a catalyst to expand Cuba's transition from changes already underway in the economic arena into the political arena -- moving then not only towards a mixed economy but also towards a more democratic Cuba. Alternately, our policy could attempt to create so much pressure that the country "explodes"-- what is commonly called the "pressure cooker theory." We feel that violence and chaos, however, are not beneficial for our relatives, for the prospects of democracy in Cuba and certainly not for the United States. In 1979, we presented the State Department with a list of 10,000 Cuban American supporters of our agenda to normalize U.S.-Cuba relations.

To complicate matters even more, there has been a fluctuation in both U.S. and Cuban policies that affect the ability to stay in touch and assist relatives throughout the years-- improving when relations improved between both countries and becoming more restrictive during times of worsening relations. Cubans who settled in other countries that maintain normal relations with Cuba are not subjected to these types of limitations.

#### DIVERSITY AMONG CUBAN AMERICANS:

As you see, diversity among Cuban Americans is not new-- it has been evident even as far back as the Carter Administration. The most recent Florida International University public opinion poll of Cuban Americans in Dade county has once again found diversity. The respondents were divided in almost equal parts in support of a dialogue with the Cuban government (43%). There is even greater support for resolving issues that impact directly on our relatives (77% support family reunification; 52% telephone communication; 40% support for unrestricted travel; 50% favor excluding medicines from the embargo).

Support for more moderate policies is consistently higher among the younger generations-- the FIU poll found almost four times more support for the lifting of the embargo among the younger generations than among the older than 45 year old generations, for example (40% compared to 11%). The generations that have grown up here, are more in tune with the rest of the country in supporting

negotiations rather than confrontation with Cuba.

CUBAN DEMOCRACY ACT:

Diversity among Cuban American was also evident during last year's debate of the Cuban Democracy Act as numerous Cuban American groups and individuals expressed concern about the impact the bill would have on the availability of medicines and foods for the Cuban population.

We understand that these hearings today are to examine the implementation of the CDA one year after it being signed into law and to take a particularly close look at family travel to Cuba. The Cuban American Committee participated in the process of writing and debate of the CDA's numerous drafts last year. We testified in the Senate Foreign Relations and the House Ways and Means Committees.

We initially worked with Congressman Torricelli's staff, expressed our concerns about the embargo of medicines, foods telephone communications and direct mail service. Our concerns were reflected in the earlier drafts of the bill in what became known as the "carrots" in the bill. But, the drafters of the bill attempted to combine these "carrots" for the Cuban people with "sticks" for the Cuban government.

As the bill worked its way through the legislative process both the carrots and the sticks were watered down. Not only was the mandatory nature of the carrots in the bill removed-- leaving their implementation up to the Executive Branch; but also, we found that the mandatory "sticks" intended for the Cuban government that remained in the bill impacted on the well being of the Cuban people (those people originally intended to have received carrots).

Let us examine the stated goals of the CDA.

GOAL I: "It should be the policy of the United States to seek a peaceful transition to democracy and a resumption of economic growth in Cuba."

QUESTION: Will a stricter embargo lead to a peaceful transition to democracy? No. The implicit goal of a policy of "pressure" is to "wreak havoc" on the population so that the "Cuban patriots rise up" in civil protest and armed conflict, to use the words of some of the supporters of the CDA.

Carried to its logical outcome, the "pressure cooker" theory of strangling a country's economy so as to create massive discontent could only lead to conflict and perhaps civil war in Cuba. Are we prepared to deal with the consequences of this situation? We are already experiencing significant problems with the increase in boat people 467 in 1990; 2,203 in 1991; 2,549 in

1992; and already 1,476 through August of this year.

Carried to its logical consequences, violence in Cuba would lead to some Cuban exile organizations becoming involved in gun running and commando raids in Cuba from our Florida shores. This is already happening: the March 1993 attack against an oil tanker from Cyprus off the coast of Cuba and last year's attack against a new Spanish tourist hotel in Varadero Cuba.

Now, there are even threats of violence against U.S. citizens who legally travel to Cuba. Just last week, a Miami based paramilitary group announced threats of violence and even kidnapping for ransom of U.S. citizens who stayed in Cuban hotels starting on November 27th, as reported in the New York Times article dated November 6, 1993. We would not stand for terrorists such as the ones that blew up the World Trade Center in New York to operate freely from the territories of our closest neighbor, Canada, for example.

Are we prepared to deal with an increase in these types of activities if violence breaks out in Cuba? Who will stop the boats coming and going across the Florida Straits? If indeed any of these initial signs of discontent and violence we are already seeing in Cuba and among the Cuban American community is due to the "sticks" provisions of the CDA-- we can say that the CDA is not meeting its stated goal of a "peaceful transition."

GOAL III: "The careful application of sanctions directed at the Castro government and support for the Cuban people."

QUESTION: Can sanctions be applied to the Castro government without hurting the Cuban people? Absolutely not. The Cuban people are clearly hurting. The situation is critical:

In February 1993 UNICEF reported that 50% of the babies between 6-12 months and 35% of pregnant women were suffering from anemia;

In mid 1993 the mortality rate in nursing homes was two times higher than the year before;

There area only milk rations available for children up to the age of 5 years old-- milk productivity fell 55% 1992 compared to 1989;

The drastic drop in nutrition has given rise to a number of diseases that Cuba either never knew before or had not seen in many years-- the Epidemic of optic neuritis this year has afflicted over 45,000 Cubans, for example.

Agricultural production has been severely reduced due to the lack of fertilizers and fodder imports;

Shortages of soap, detergents and chlorine and electrical power to purify water facilitates the spread of disease;

The American Public Health Association recent fact finding delegation to Cuba found that the lack of eye glasses has already begun to affect school children's ability to learn;

Medicines of all kinds and medical supplies are scarce-- its hard to find some one in the Cuban community who has not heard first hand horror stories about their relatives and hospitals and the lack of medicines.

All can not be blamed on the tightening of the embargo through the CDA, but the mandatory sticks in the CDA are without a doubt making it more difficult and expensive for the Cubans to obtain foods, medicines and essential goods.

There were two mandatory sticks aimed at the Cuban government in the CDA. The first is the provision barring ships that have docked in Cuba to dock in U.S. ports for 6 months. Since most of what Cuba imports either through foreign currency purchases or barter agreements is fuel, foods, medicines and essential raw materials, it can hardly be argued that making it more difficult to provide essential goods and services to the population hurts the government and not the people.

The prime example of how the "sticks" hurt the Cuban people is the end of U.S. subsidiary trade with Cuba, the second mandatory stick in the CDA. According to Treasury Department figures, prior to the CDA , 90% of what U.S. subsidiaries sold to Cuba was medicines and foods-- this was almost five times the amount than the previous year. In 1991 Cuba turned to U.S. subsidiaries in an attempt to substitute imports from the former socialists countries. They clearly put priority on buying medicines and foods. It can hardly be argued that shutting off the new supply route of medicines and foods hurts the Cuban government and not the Cuban people. Rather it allows the government to distract attention from its failed policies and put the blame on the U.S. embargo. Those of you who understand the idiosyncracies of Cuban culture know that Cuban nationalism has deep historical roots and should not be taken lightly.

Although humanitarian donations have increased in the past year, the Cuban people do not attribute this to the CDA since donations were permitted even prior to the passage of the bill. Furthermore, donations can not possibly substitute the loss in trade in medicines and foods caused by the sticks provision of the bill. According to the Trade Data Division of the Census Bureau, there has only been \$12,723 donations of food this year (through August 31) and \$359,333 worth of donations of medicines. This does not compare to more than 500 million dollars worth of sales of medicines and foods to Cuba through U.S. subsidiaries. We

understand that the Administration is attempting to resolve the obstacle of on-site supervision of the sale of medicines to Cuba.

What other types of support for the Cuban people are provided for in the CDA? Increased communications and contact, the implementation of which was left up to the Executive Branch. We have yet to see the outcome of the Executive Branch's interpretation of this congressional mandate. Cuba and some of the U.S. phone companies are still negotiating; and, the interagency review process on the free flow of information which may provide for more people to people contact has not yet been finalized. This may be one of the only ways left to salvage one of the goals of the CDA -- to provide support for the Cuban people.

GOAL III: "To seek the cooperation of other democratic countries in this policy"

QUESTION: Do our allies support the mandatory tightening of the embargo found in the CDA? Clearly not. For the second time since the passage of the CDA, the U.S. was embarrassed by an overwhelming U.N. vote in favor of Cuba in condemning the U.S. embargo. Only Albania, Israel and Paraguay voted with the U.S. (88 to 4; with 57 abstentions-- a tacit rejection of our policy). The New York Times editorial stated "the CDA meant to isolate the Castro regime has embarrassingly isolated the United States." The Canadian and British governments issued blocking orders to prevent U.S. subsidiaries in each country from following orders from the U.S. parent corporations to discontinue trade with Cuba. It is our understanding that there are several documented cases before the Canadian government of violations of Canadian law due to CDA provisions.

The U.S. stands alone. Over 85 nations have trade relations with Cuba, and most of our allies have chosen to engage Cuba by providing training for Cubans in market management skills to assist in Cuba's transition towards a market economy, investing in Cuba, providing humanitarian assistance, and maintaining open doors of communications, among other things. This third goal of CDA has clearly failed.

GOAL IV: "To maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights."

QUESTION: Does a tightened embargo promote democratization and human rights? Cuba is not Haiti or South Africa where the internal leaders of the resistance and the international community support the embargos of their countries. Leading human rights activists inside Cuba who have chosen to stay in Cuba to struggle for political change such as Elisardo Sanchez, Gustavo Arcos and Rolando Prats-- all of whom have served time in Cuban prisons have

appealed to the U.S. to ease tensions and lift the embargo so that they could have more political space inside Cuba to effectively organize a peaceful transition to democracy.

U.S. supporters of a tightened embargo point to statements from recently arrived boat people who support maintaining U.S. policy. Of course, someone wishing to be granted refugee status could not be expected to request asylum in the U.S. while at the same time criticizing U.S. policies. What kind of response do you think they would give if you asked them, off the record, whether they felt that we should continue to make it more difficult for their relatives they left behind to have access to food and medical care; or for their children to have the proper nutrition causing diseases Cubans have not ever seen in their life time?

All can not be blamed on the U.S. embargo, but we certainly do not need to make things worse especially when our current policy and the CDA has clearly failed in its stated goal to promoted democratization.

#### VIOLENCE IN THE CUBAN AMERICAN COMMUNITY:

Every year Cuban Americans hear the prediction "next year Castro will fall." It is clear that there is a sector of the Cuban American community that has hopes and aspirations of returning to Cuba to rule over the island. Many fear that a peaceful transition in Cuba would leave them out of the picture since it would most likely occur with the younger generations living on the island and not with those that left over 30 years ago. Therefore, some in our community rather opt for violence and run the risk of winning all or nothing rather than compromising.

Some Cuban Americans who have fled Cuban totalitarian regimes have not learned the values of free speech and First Amendment Rights. The FIU poll found that about half of the respondents older than 45 years felt that not all of the views on how to deal with the Castro regime should be heard and that permits should be denied to hold public demonstrations to organizations that favor relations with Cuba. The same percentage of respondents support an armed uprising in Cuba. In contrast around 80% of those under 25 year old favored all views being heard and the granting of licenses for public demonstrations.

These objectives and extreme views are not representative of the entire community as the FIU poll has once again found, and they certainly are not the objectives and views of the rest of the U.S. population-- polls of the general U.S. public have consistently found greater public support for negotiations rather than confrontation in the case of Cuba.

Throughout the years, Cuban Americans who have publicly

favored improved relations with Cuba have paid dearly-- receiving bomb threats, loosing their jobs; and even their lives. Extreme Cuban exile violence is on the rise once again, as last year's "America's Watch" report documented. Cuban Americans supporting normalization of relations have been beaten in public places in Miami this year. Our government's lack of investigation of those who attempt to abridge First Amendment Rights could be construed by these groups as a green light to proceed.

TOWARDS A NEW POLICY:

We did not embargo Eastern Europe or the Soviet Union. We opt for engaging China, not isolating and embargoing it, to encourage improvements in their human rights record. Unlike Cuban Americans, immigrants from former socialist countries to the U.S. have not been subjected to restrictions that inhibit maintaining relations and assisting relatives and loved ones. We need a more humane foreign policy. Humanitarian issues should not be used as cards in foreign policy by either government.

The truth is that changes are occurring very fast in Cuban society-- capitalism is returning to Cuba and younger generations are entering into positions of power as older generation government figures are retiring. Political changes are slow, but are surely coming. The question is do we want to develop policies that help a peaceful or a violent transition. Through a policy of engagement, we could help empower this new generation of leaders in Cuba and pave the way so that the remaining older generation could peacefully retire, rather than violently "fall."

We should begin by truly providing carrots for the Cuban people by lifting of the embargo of foods and medicines. Our vision is not one of cornering the government, but rather assisting in its generational, economic and political transition. We could help forge a new future by helping to train economic specialists, opening our newsrooms to visiting Cuban journalists, open the halls of Congress to invited Cuban members of the unempowered Cuban legislature so that they can see first hand how other democratic systems function.

We should encourage U.S. travel and contact in Cuba. The CDA regulations suggest an opening up travel for religious, educational and human rights activities. These categories of travel should be included under the general licenses for travel to Cuba. U.S. students, academics, church people and cultural performers should be allowed to freely travel to Cuba to break the isolation that the younger generations in Cuba have grown up under.

We should begin to identify the bilateral issues that could begin to be negotiated. Now that Cuba is moving towards a market economy, we should push for negotiations of the claims that U.S. corporations have against Cuba for expropriated properties.

PREPARED STATEMENT OF FRANCISCO J. HERNANDEZ,  
PRESIDENT OF THE CUBAN AMERICAN NATIONAL FOUNDATION.

BEFORE A JOINT SUBCOMMITTEE MEETING OF THE  
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS  
COMMITTEE OF FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.  
NOVEMBER 18, 1993

Messrs. Chairmen, members of Congress, I would like to thank you for the opportunity to appear before you today to discuss the issue of U.S.-Cuba relations. I would especially like to express our gratitude to Mr. Torricelli for the leadership he has shown on this issue and for the tireless efforts on behalf of freedom and democracy for the Cuban people.

Today, one year after the Cuban Democracy Act was passed with overwhelming bipartisan support, I believe there is no better affirmation as to the effectiveness of U.S. policy towards Cuba than the fact that the unilateral lifting of the U.S. sanctions have become the number one foreign policy priority of the Castro regime. Witness Castro's Foreign Minister Roberto Robaina's frantic efforts through dozens of foreign capitals seeking support for Castro's campaign to end the embargo without, of course, any reciprocal changes from Havana.

If Castro's reaction to the Cuban Democracy Act may be used as an indication, there must be no doubt that the congressional statement of policies and intentions of the people of the United States of America toward dictatorship and repression represented by the C.D.A. is the most effective, clear, positive, non-violent statement ever in support of freedom and democracy.

But the effect of the Torricelli Bill goes beyond annoying a decrepit dictator. Since the enactment of the Bill, Castro's armed forces have been reduced to almost half their post-Angola level of 300,000. Over 80% of the Cuban Air Force pilots and planes have been de-commissioned. Defections of military personnel are almost a daily occurrence. Recently,

in a time span of two weeks, two of Castro's most trusted pilots flew away to freedom with their planes.

If the risk of an armed confrontation between the United States and Castro's forces still exist, which, of course, is a possibility as long as Castro remains in power, the probability of a massive loss of American or Cuban lives in such a confrontation, no doubt, have been reduced significantly due to the degradation of Castro's aggressive capabilities. If without firing one single shot or wounding one human life, with a single, simple though firm and uncompromising statement of policy, the Congress of the United States has brought a pesky, ruthless dictator to his knees, sending a clear message to his remaining supporters that there will not be any selling-off of the Cuban people's right to freedom and democracy and no let down on economic and diplomatic pressures as long as Castro remains in power, then , the Cuban Democracy Act can, certainly, be termed the most effective, humanly, honest, statement of foreign policy , this Hemisphere has ever seen.

That, in and by itself, would be enough argument to amply justify the enactment and forceful implementation of the Cuban Democracy Act, but the fact is that there are even more positive developments to be, at least partially, credited to the message sent by the C.D.A. Since 1965 when Castro exterminated all armed resistance of the Cuban people with the killing and imprisonment of thousands of guerrilla fighters in the Escambray mountains, the dictatorship had never confronted the massive manifestations of popular unrest and open rebellion that we have seen during the last twelve months.

Literally, thousands of Cubans have taken to the streets, openly challenging the government's authority in towns such as Cojimar and Regla, only a few miles from Castro's seat of power in Havana. Reports from recent defectors, such as Captain Leonides Basulto, the pilot who flew his plane to Guantanamo base, indicate that military personnel are instructed to use civilian clothes when they travel to Havana because of a number of incidents in which the population have stoned and even stabbed military officers on the streets of Havana. Whole neighborhoods are virtually taken over by the people during the frequent blackouts.

On the other hand, openly active opposition groups are multiplying while increasing their internal organizational levels. The Foundation for Human Rights in Cuba, a project of the Cuban American National Foundation, maintains daily contact with over forty opposition organizations. Messrs. Chairmen, I respectfully submit their names and addresses for the record. All of them support the Cuban Democracy Act and so they stated to a U.S. Congressman during a recent visit to Havana. Furthermore, they support the internationalization of the embargo and one of them, the Maceista Movement for Dignity,

formed mostly by black Cubans has sent a letter to Boutros Gally at the United Nations, signed by over one thousand Cuban men and women. In their letter, they state:

"...We must not be deceived. The Cuban conflict is not, essentially, between the Cuban government and the United States(the Yankees). No, it is primarily a conflict between the Cuban government and its political opposition, that is, the Cuban people. In essence , Fidel and Raul Castro are the problem. They, therefore, cannot provide the solution."

Messrs. Chairmen, let us not be deceived ! The lifting of the embargo, and allowing free travel to Cuba would amount to a betrayal of the Cuban people's hopes for freedom and democracy. A moral Bay of Pigs! Let us not abandon the Cuban people, now that they are gathering their best efforts, now that they see the light at the end of the long, disgraceful tunnel of castrocommunism. They are not asking for weapons, they are not asking for American blood. They are asking for the moral support embodied in the Cuban Democracy Act.

Thank you!

My name is Paula Valiente. I was born in Cuba and arrived in the United States 10 days ago, on the 8th of November 1993. I am part of the growing internal opposition movement in Cuba and as a human rights activist I preside the group Mothers for Dignity founded on the 1st of November, 1991.

From its beginning, the purpose of the group was to denounce human rights violations in Cuba and to promote religious freedom in the island.

For over 30 years, Castro's regime has prohibited the images of the Virgin to be taken out of Cuban churches. That is why, on the 8th of July 1992, with other 5 persons and with the right all human beings have to practice their faith, we organized a pilgrimage taking the statue of this Virgin through the streets of Havana.

As a result, all participants were arrested. I was brutally beaten and dragged by my hair to the patrol car which took me to the police station, where I remained under arrest for 24 hours and warned that this type of activity would not be tolerated.

From this day on, we organized pilgrimages every month on the 8th, always with the same results. A few months later, as more people joined us the pilgrimages began to take place every month on the 8th and the 24th.

During that time, I was beaten and arrested on numerous occasions. The 8th of September, 1992, in order to stop me from attending, I was previously arrested, not without being again brutally beaten and this time confined to bed for 2 weeks. I was beaten in my face, all over my body and my kidneys were affected. I urinated blood for several days.

The 24th of that same month, despite my ailing health I went to the church of Our Lady of Mercy. At the end of the mass I went over to Monsignor Jaime Ortega, Bishop of Havana, to explain what had happened to me.

I was beaten while dragged out of church by Castro security agents. Once outside, they threw me in front of a Rapid Action Brigade, which I would like to point out is nothing more than a lynching mob with the government's backing to eliminate those who dissent. I was beaten until I lost consciousness and was incarcerated for a period of 5 days.

I continued to be a victim of harassment and repression as well as other members of Mothers for Dignity. On the 28th of January, 1993, during a mass commemorating the birth of Cuban patriot Jose Marti, I was once again brutally beaten by a large number of agents in plain clothes, who dragged me from the church unto the middle of

the street. I was beaten with clubs, cables, and bottles until I was unconscious. That was not the last time I was beaten and arrested.

The 1st of May of that same year, after another beating I remained in prison for 18 days. I was sentenced to a year in prison, which thanks to international pressure was changed to 2 years domiciliary arrest.

I want to take the opportunity to thank the Cuban American National Foundation, which publicly denounced each time that I was the object of beatings and arrests. I also wish to thank the Congress of the United States for supporting Radio Marti. The broadcast of Radio Marti and La Voz de la Fundacion kept denouncing my situation. It is thanks to these broadcasts that the people of Cuba and the rest of the world can know about the opposition in Cuba and the repression they are victims of.

During my last two arrests, on the 8th and the 24th of September, 1993, State security warned me that I should leave Cuba. If I refused my 17-year old son would be sent to prison for a period of 8 years. A few hours before leaving for the United States, I was told that my daughter would not be able to come with me despite the fact that she had the authorization of her father and the U.S. visa. Inside a police station my daughter was forced to say that she wanted to remain in Cuba with her grandmother.

Can you really believe that a child is sincere when she repeats these words in tears? I was not allowed to embrace my daughter despite the fact that she stretched her arms for a final embrace.

I was forced to go into exile to save my son from an 8-year prison term while the State took custody of my daughter Cheila.

This, ladies and gentlemen of Congress, is an example of the inhumanity practiced by Castro's regime. In Cuba prisons are full of men and women whose only crime is dissent.

I am here to offer, once more, my support of the Torricelli Bill, just like I did while I was inside Cuba. In Cuba, the food situation is critical, there are no medicines, the country is in bankruptcy, not because there is an embargo but because the regime spent all Soviet aid in international wars and not in helping the people. All monies that Fidel Castro gets because of investments or tourism will go towards financing his gigantic repressive apparatus. Today, young men and women escape in rafts to avoid the sad destiny imposed by Castro of "Socialism or Death".

In Cuba, all human rights are violated, there are no individual freedoms and each day repression increases. There have been no substantial changes and each day Cuban families are divided even more. Mothers are condemned to losing their children in the Florida Straights or rotting in prison.

Recently, in the town of Regla, a mother lost her 24-year old son assassinated by Castro's police. The town took to the streets in support of a mother who denounced how the beating, which caused his death, was so brutal, that it destroyed his face, his body and his testicles. How much more do you think Cuban mothers can bear?

As a representative of a country victim of the worst repression I asked that you please not abandon us. I have faith in God and the Virgin that soon the Cuban people will be able to live in freedom.

WRITTEN STATEMENT OF VIVIAN MANNERUD,  
PRESIDENT OF AIRLINE BROKERS COMPANY, INC.,  
TO THE HOUSE SUBCOMMITTEES ON  
ECONOMIC POLICY, TRADE AND ENVIRONMENT,  
INTERNATIONAL OPERATIONS,  
AND WESTERN HEMISPHERE AFFAIRS

November 18, 1993

Chairmen Berman, Gejdenson, and Torricelli and distinguished members of the Subcommittees, my name is Vivian Mannerud. I am honored to have this opportunity to share my thoughts concerning travel to Cuba.

I am the president of Airline Brokers Company, Inc., a charter broker that assists companies in locating charter air transportation. Airline Brokers also charters aircraft for flights to and from Havana, Cuba. For the past eleven years, Airline Brokers has provided travel-related services to persons authorized to travel to Cuba. Airline Brokers provides such services in accordance with U.S. laws and regulations and under strict control of the Office of Foreign Assets Control ("OFAC"), the U.S. Department of State, the U.S. Department of Commerce, and the U.S. Department of Transportation ("DOT").

There is a saying in Cuba: "Ojos que no ven, corazon que no siente" (eyes that do not see, heart that does not feel). People who oppose travel to Cuba either have never been to Cuba or have not been to Cuba since they fled the country in the late 1950's and early 1960's. In connection with my business and in accordance with the specific licenses that OFAC has issued to Airline Brokers, I have had the opportunity to travel to Cuba, and I have seen how the Cuban people are suffering. I also have spoken with both Cuban nationals and Cuban Americans who have traveled on Airline Brokers' charter flights. Many have thanked me for arranging their air transportation to and from Cuba.

U.S. law currently permits Cuban Americans to travel to Cuba to visit their close relatives. This exception to the embargo is based upon a U.S. policy that encourages family reunification. Some people question this policy and are now attempting to restrict or limit family travel to Cuba. I am here to testify about the recent efforts to prevent Cuban Americans from traveling to Cuba and to force Airline Brokers out of the Cuba travel business.

Airline Brokers' Cuba Business

As briefly mentioned above, Airline Brokers is licensed by OFAC to provide travel related services to persons authorized to travel to Cuba. Pursuant to its OFAC licenses, Airline Brokers charters aircraft from air carriers for flights between Miami and

Havana. Airline Brokers is not in the business of offering or selling hotel/meal packages to the public.

Over its 11 year history, Airline Brokers has contracted with several large air carriers for the Cuba charter flights, including Air Florida, American Airlines, Eastern Air Lines, and United Airlines. The number of flights and the size of the aircraft Airline Brokers charters depends upon expected demand. In other words, Airline Brokers will charter a flight if it is needed to accommodate persons authorized to travel to Cuba. The truth of the matter is that Airline Brokers would not be in the Cuba travel business if there were no demand for its services.

The type of passengers on Airline Brokers' charter flights has changed over the last decade. From 1982 until 1985, Airline Brokers' passengers were primarily Cuban Americans traveling to Cuba on tourist visas. During this period, there was a limited number of Cuban nationals traveling to the United States because Cuba did not permit anyone under the age of 65 to travel to the United States. Airline Brokers' passengers changed in 1985 when Cuba, in response to the broadcasting of Radio Martí, stopped issuing tourist visas to Cuban Americans. Consequently, since 1985, the majority of Airline Brokers' passengers have been Cuban nationals visiting the United States. With Cuba's recent decision to issue tourist visas to Cuban Americans, the type of Airline Brokers' passengers may change once again.

#### Cuban Tourist Visa

The Cuban tourist visa was previously issued to U.S. persons authorized to travel to Cuba from the late 1970's until 1985. Given the U.S. embargo against Cuba, the only U.S. persons eligible for tourist visas were and still are Cuban Americans desiring to visit their close relatives in Cuba.

In 1979, Cuban Americans entering Cuba under such visas were required to obtain hotel accommodations, even if they did not plan to stay in hotels. At that time, OFAC did not limit the amount of money that authorized travelers could spend each day in Cuba. The U.S. Government, moreover, did not object to the requirements of the tourist visas or to agencies selling hotel packages. In 1979 alone, approximately 102,000 U.S. persons traveled to Cuba on tourist visas.

This summer, Cuba decided to once again permit Cuban Americans to apply for Cuban tourist visas. Initially, Cuba required that each person applying for the tourist visa obtain hotel accommodations during the period of his/her stay in Cuba. In early October 1993, however, Cuba removed the hotel

requirement. Since that time, Cuba has been issuing tourist visas to applicants who do not want hotel/meal packages.

Cuba may have removed the hotel requirement from the tourist visa because the cost to Cuba of requiring all tourist visa entrants to stay in hotels is enormous. In Cuba's present economy, such commodities as soap, food, and fuel are scarce. Cuban hotels must purchase soap to clean hotel sheets and towels as well as purchase food for their guests -- all at exorbitant prices. In addition, the hotels must provide transportation for their employees so that they can get to work. Because OFAC has limited the amount of money Cuban Americans can spend on living expenses to \$100 per day, moreover, Cuban hotels are barely receiving enough money to cover their costs. Certainly, Cuba is not making any money from the majority of Cuban Americans who specifically request the least expensive hotel/meal package.

Agencies in Miami licensed by OFAC to provide travel-related services to Cuba are offering to interested Cuban Americans hotel/meal packages that do not exceed the OFAC \$100 per diem limitation. For your information, the least expensive hotel/meal package costs \$490 for a 7 night (8 day) stay double occupancy, or \$70 per night. This includes 3 meals per day at the Cuban hotel plus a commission to the OFAC licensed agency for booking the hotel reservation. The commission to the OFAC licensed agency varies between 10 and 15 percent.

To date, 769 Cuban Americans have applied for tourist visas without hotel packages, and 370 have received these visas. None of these applicants have been denied, and 399 visa applications are still pending. By contrast, 3321 Cuban Americans have applied for tourist visas with hotel packages, and 2710 have received these visas. Cuba has denied only 25 applications, and 586 visa applications are still pending.

#### Airline Brokers Charter Program With United

After Cuba announced that it would issue tourist visas once again to Cuban Americans, Airline Brokers contracted with United Airlines for the operation of 3-4 charter flights per week. Airline Brokers entered into a contract with United because Airline Brokers anticipated an increase in the number of persons traveling to Cuba. The first charter flight was scheduled to operate on August 17, 1993.

Airline Brokers' charter programs with United are no different from any of the other programs Airline Brokers has operated during its 11 year history. Any person, who is authorized to travel to Cuba under the OFAC regulations and who possesses a valid Cuban entry visa, may travel on these flights.

On July 29, 1993, Airline Brokers filed a public charter prospectus with DOT, seeking authorization to operate charter flights with United Airlines as the direct air carrier. On that same day, DOT, the Department of State, and OFAC approved Airline Brokers' August public charter program. In evaluating Airline Brokers' prospectus, DOT verified that the prospectus complied with its regulations; DOT did not evaluate embargo-related questions because these questions are within the purview of OFAC and the Department of State.

On the afternoon of July 30, 1993, however, the Department of State changed its position and objected to Airline Brokers' charter program. DOT subsequently withdrew its approval, even though DOT acknowledged that the proposed charter flights were in full compliance with its regulations, and even though the Department of State and OFAC publicly stated that Cuban Americans wishing to visit their close relatives could travel to Cuba on Cuban visas that required hotel accommodations.

The Department of State did not advise Airline Brokers of its reasons for withdrawing approval of Airline Brokers' prospectus. Nor did the Department of State respond to any of Airline Brokers' letters or to President Clinton's request for an explanation. The Department of State simply withheld approval of Airline Brokers' public charter program for one and a half months.

Finally, on or about September 14, 1993, the Department of State and OFAC determined that licensed agencies may receive and forward to Cuba tourist visa applications and may arrange hotel packages and air transportation for Cuban Americans traveling to Cuba on tourist visas. OFAC licensed agencies, however, may not require Cuban Americans to purchase a hotel package as a prerequisite to the processing of the tourist visa applications.

After the Department of State and OFAC determined that licensed agencies could make travel arrangements for Cuban Americans traveling on tourist visas, Airline Brokers filed new public charter prospectuses for flights scheduled to operate in September and October 1993. The September and October charter programs were approved promptly.

Without explanation, the Department of State recently withheld approval for Airline Brokers' November public charter program, even though the Department of State determined that OFAC licensed agencies may make hotel and other travel arrangements for Cuban Americans traveling on tourist visas, and even though the Cuban Government decided in early October to remove the hotel requirement for tourist visa applicants. The Department of State delayed approval for the first four November flights until 4:45pm

on October 29, 1993 and for the remaining November flights until November 6, 1993.

As a result of the Department of State's actions, Airline Brokers has not had sufficient time to sell tickets on the November charter flights. Interestingly, the Department of State has not questioned any of the other Cuba charter programs, including Airline Brokers' charter program with Miami Air International.

Actions Adversely Affecting Family Travel to Cuba

Department of State

Since late July 1993, the Department of State has repeatedly questioned Airline Brokers' public charter programs without explanation or apparent justification. I believe that the actions of the Department of State are in response to Congressional concerns about the cost of hotel packages and the tourist visa requirements. I also believe that certain members of Congress have questioned the Department of State about what they perceive is an increase in travel to Cuba. There are several reasons why these concerns are not legitimate reasons for withholding or delaying approval of Airline Brokers' public charter programs with United.

First, as stated previously, Airline Brokers does not sell hotel/meal packages to the public; it only charters aircraft for persons authorized to travel to Cuba. Therefore, if the Department of State has any questions about the Cuban tourist visa requirements or the hotel packages that other OFAC licensed agencies are offering to Cuban Americans, the Department of State should address these concerns directly with the agencies, not with Airline Brokers. The Department of State should not withhold its approval of Airline Brokers' public charter program for a reason not related to the program.

Second, while the Department of State and OFAC reviewed the question of the tourist visas from July 30 until September 14, 1993, both agencies publicly stated that Cuban Americans who obtained tourist visas could travel to Cuba on the already approved charter flights. Since the Department of State and OFAC were permitting Cuban Americans to travel to Cuba under visas that require hotel accommodations, there should be no reason why Cuban Americans could not travel on the flights that Airline Brokers chartered from United. To withhold approval of the Airline Brokers-United charter program for the purpose of reviewing the tourist visa requirements, while at the same time permitting Cuban Americans with tourist visas to travel to Cuba on other approved charter flights, simply defies logic.

Third, and most important, since early October 1993, Cuba has been issuing tourist visas to persons who do not want hotel accommodations. With the hotel requirement removed, there should be no further debate about the Cuban tourist visa.

With respect to the hotel/meal packages other OFAC licensed agencies are offering to Cuban Americans, these packages fully comply with the \$100 per diem limitation. As previously explained, the least expensive package costs \$70 per night, which includes a commission of at least 10 percent for the OFAC licensed agency that booked the reservation. This means that the Cuban hotel will receive at most \$63 per night. A Cuban American staying at this hotel, therefore, will have \$37 per day to spend on ground transportation and other goods consumed in Cuba. It does not seem possible that the Department of State can question hotel/meal packages that support and comply with OFAC's policy of restricting the amount of money authorized travelers may spend in Cuba.

If, by chance, a licensed agency has sold hotel packages to Cuban Americans that exceed the \$100 per diem limitation, then OFAC should initiate an investigation into the conduct of that agency. Furthermore, if a licensed agency has made hotel arrangements that comply with the per diem limitation, but has charged Cuban Americans excessive fees for its services, then the appropriate state authorities should investigate the possibility of price gauging. The Department of State, by contrast, should not penalize Airline Brokers for the potentially unlawful actions of other agencies.

Sixth, Airline Brokers' charter program with United does not represent an increase in travel to Cuba. In fact, Airline Brokers is operating fewer flights than it has in the past. In 1990 and 1991, Airline Brokers chartered an L-1011 (with 316 passenger seats) from Eastern Air Lines for three flights per week to Havana. Moreover, after the shut down of Eastern in January 1991, Airline Brokers operated charter flights five to seven times per week, using a B-727 with 173 passenger seats. On many occasions in 1991, Airline Brokers operated two flights per day. With respect to the charter program with United, Airline Brokers has simply responded to the demand of persons authorized under the OFAC regulations to travel to and from Cuba.

While it should not be the case, I wonder whether the Department of State is concerned about that fact that the flights will be operated by United Airlines. The Department of State has not withheld approval of any of the other charter programs to Cuba, including Airline Brokers' program with Miami Air International. By questioning only the Airline Brokers-United charter program, the Department of State has given the impression

that it objects to the fact that Airline Brokers chartered aircraft from a major U.S. air carrier.

The Department of State, if this is in fact its concern, has no basis for questioning Airline Brokers' choice of air carriers. Airline Brokers has always attempted to charter aircraft from major U.S. air carriers because they are more reliable and because they generally have newer equipment. For example, from approximately 1986 until January 1991, Airline Brokers chartered aircraft from Eastern, a major U.S. air carrier at that time. In addition, after Eastern ceased its operations, Airline Brokers chartered aircraft from American Airlines, the second largest U.S. air carrier. (OFAC also has issued a carrier service provider license to American, authorizing American to operate its own charter flights to Cuba.) Thus, the fact that Airline Brokers has contracted with a major U.S. air carrier should not be an issue.

Elected Officials and Other Persons

Surprisingly (or perhaps not surprisingly), some elected officials have publicly condemned Airline Brokers' charter program without justification. For example, some Congressmen have made public statements that the charter flights and the hotel packages are illegal, when in fact DOT stated that the flights were in full compliance with U.S. law and when the cost of the hotel packages did not exceed the OFAC per diem limitation. These Congressmen have not retracted their misstatements. Moreover, referring to agencies that provide travel related services with respect to Cuba, one Congressman stated publicly at the unity march in Miami on October 9, 1993: "We know who you are and we will not forget [you]."

In addition, Carlos Dolz, claiming to work for Congressman Lincoln Diaz-Balart, contacted Airline Brokers' carriers to obtain information on charter flights to Cuba. He also contacted DOT on numerous occasions to pressure the Department into denying approval for Airline Brokers' charter program. A representative from a conservative Cuban American organization, furthermore, visited United Airlines and requested that United cancel its contract with Airline Brokers. A Miami-based paramilitary group also publicly stated that it will "attack" all persons traveling to Cuba. Moreover, Spanish speaking radio stations have reported that all persons who travel to Cuba will lose their Medicaid/Medicare and Social Security benefits.

All of these actions have resulted in the intimidation of Airline Brokers' passengers, all of whom are authorized under U.S. law to travel to and from Cuba.

CONCLUSION

By repeatedly questioning and delaying its approval of Airline Brokers' charter programs with United, the Department of State has sent mixed signals to the public. The public will certainly not travel on Airline Brokers' flights if there is a risk that they will be stranded in Cuba because of a delay in the approval of the return flights. Some Cuban Americans have stated that they will not travel on the Airline Brokers charter flights because they fear the loss of their Medicaid/Medicare and Social Security benefits and the loss of their lives. Airline Brokers' passenger loads also have decreased because Airline Brokers has not had sufficient time in which to sell tickets on these flights.

In the last three months, Airline Brokers has lost over \$ 234,000 in revenue it could have earned if its charter program had been promptly reviewed and if threats had not been made against persons who travel to Cuba. In addition, Airline Brokers has incurred over \$ 30,000 in costs and expenses, including legal fees and expenses, to fight the Department of State and certain elected officials for the right to operate its public charter program with United, a program that fully complies with U.S. law.

While I support a peaceful transition to democracy in Cuba, I do not believe that this goal can be attained by further tightening of the embargo against Cuba. History has shown that those countries that are isolated are the slowest to move toward democracy, and the U.S. embargo has only isolated Cuba more. With the collapse of the Cuban economy, the United States has an opportunity to have an impact in Cuba. Cuban Americans visiting their family will no doubt provide valuable information to their families about life outside of Cuba, and hopefully, with this information, the Cuban people will decide the future of Cuba. It would be a far better policy to continue to allow families to be reunited than to restrict or prevent open, personal communications between Cuban Americans and their families.

Before my mother passed away in 1983, she taught me that family is of paramount importance. It is therefore hard for me to understand how anyone can oppose the reunification of family. Airline Brokers' public charter programs with United Airlines -- which were established to accommodate the expected increase in the number of Cuban Americans visiting relatives in Cuba -- are in full compliance with U.S. law. I trust that the Administration and Congress will continue to permit Airline Brokers to operate charter flights to Cuba without further political debate or unsubstantiated regulatory interference.

Thank you.

PREPARED TESTIMONY AND  
STATEMENT FOR THE RECORD

OF

GARY M. STERN, LEGISLATIVE COUNSEL  
AMERICAN CIVIL LIBERTIES UNION, WASHINGTON OFFICE

ON

THE RIGHT TO TRAVEL AS IT RELATES TO CUBA

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON FOREIGN AFFAIRS  
SUBCOMMITTEES ON  
WESTERN HEMISPHERE AFFAIRS,  
ECONOMIC POLICY, TRADE, AND ENVIRONMENT  
AND  
INTERNATIONAL OPERATIONS

NOVEMBER 18, 1993

Dear Mr. Chairmen and Subcommittee Members:

My name is Gary Stern, and I am a legislative counsel with the American Civil Liberties Union. I appreciate this opportunity to testify on behalf of the ACLU on the constitutional right to travel and its relationship to the trade embargo on Cuba. The ACLU is a non-profit, non-partisan organization, with over 275,000 members, dedicated to the protection of civil liberties and the democratic process. The ACLU projects on Free Trade in Ideas and Ending the Cold War at Home seek to remove restrictions that have been placed on the constitutional rights of Americans in the name of national security and the Cold War.

The ACLU takes no position on U.S. foreign policy towards Cuba, the Cuban embargo, or any other U.S. foreign policy matter, except to the extent that such policy violates individual liberties or the democratic process. We believe, however, that the current implementation of the trade embargo against Cuba violates the constitutional right to travel and the right to know and receive information.<sup>1</sup> Accordingly, we call on the President and Congress to lift all restrictions on individual travel to Cuba at this time.

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<sup>1</sup> The ACLU believes that Americans also have a First Amendment right to invite and hear the views of foreigners; the government may exclude only those people who pose a credible threat to commit violence while they are in the United States.

### **Background on the Right to Travel**

The Supreme Court has repeatedly recognized that the right to travel is protected under the Fifth Amendment as a liberty interest that cannot be deprived without due process of law.<sup>2</sup> But First Amendment rights are also implicated by limitations on travel. With the end of the Cold War and new and old nations alike turning to democracy, we should keep in mind the dictates of the First Amendment: "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." This means that every person is free to learn for him or herself about the policies and activities of the government and to participate in public debate about all issues of concern.

To participate effectively in this process, Americans must have access to information. To participate in debate about foreign policy matters, they must have access to information about events taking place beyond U.S. borders. Thus, while people may differ over the degree to which the Executive branch is obligated to release information that is relevant to the public debate but whose disclosure could cause harm to the national security, it seems beyond debate that, except in the most compelling circumstances, the government may not interfere with the ability of private citizens to find out for themselves

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<sup>2</sup> See Regan v. Wald, 468 U.S. 222 (1984); Zemel v. Rusk, 381 U.S. 1, 14 (1965); Aptheker v. Secretary of State, 378 U.S. 500, 505-06 (1964); Kent v. Dulles, 357 U.S. 116, 125 (1958).

what is going on around the world and to use that information to influence public debate.<sup>3</sup>

The government bears a very heavy burden in imposing a policy by which Americans may not spend money to travel to a country that they wish to visit and where it is safe for them to go. Whatever one's view of the effectiveness of economic embargoes, the incremental value gained from prohibiting travel expenditures by Americans does not outweigh the serious cost to the rights of each individual who wishes to go abroad to form her own opinion about a foreign country and to bring back her ideas to share with her fellow Americans. We do not believe that the government's current policy towards Cuba warrants this type of restriction.

We also think that the travel ban is wholly inconsistent with the current U.S. foreign policy goal of promoting democracy and human rights in Cuba and around the world. Secretary of State Warren Christopher seemed to recognize this point when he stated that "the free flow of information can advance rather than

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<sup>3</sup> The ACLU does not object to travel restrictions authorized under the Passport Act, as amended, to countries "where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers." 22 U.S.C. § 211a. We note that under this authority, Americans may still travel to those countries and spend money, but do so at their own risk. See United States v. Laub, 385 U.S. 475 (1967).

hinder the foreign policy goals which embargoes seek to accomplish."<sup>4</sup> The same holds true for the freedom to travel.<sup>5</sup>

Indeed, for five years from 1977 to 1982, the government imposed no restrictions on the right of Americans to travel to Cuba. See 42 Fed. Reg. 16621 (1977); 42 Fed. Reg. 25499 (1977). This was the case despite ongoing Cold War hostilities and the maintenance of the economic embargo. In 1982, however, President Reagan reimposed the travel ban, except in limited circumstances as outlined below. This ban remains in place to this day and should now be rescinded.

#### **Travel Restrictions are Unconstitutional**

The ACLU believes that the restrictions on travel to Cuba are unconstitutional despite the Supreme Court ruling in Regan v. Wald, 468 U.S. 222 (1984), which held, by a narrow, 5-4 majority, that the newly imposed travel restrictions were permissible in light of the overriding national security concerns asserted by the government. Specifically, the Court relied on State Department assertions that the influx of hard currency from beach tourism and other travel to Cuba posed a threat to the national

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<sup>4</sup> Letter dated June 7, 1993 from Secretary of State Christopher to Howard Berman, Chairman of the Subcommittee on International Operations ("Christopher Letter"). [A copy of this letter is attached to this testimony.]

<sup>5</sup> Indeed, many experts have argued that a principal cause leading to the dissolution of Communism in Eastern Europe and the former Soviet Union was that the increasing presence of foreign visitors and their ideas to challenge the established political orders.

security of the United States because Cuba was allied with the Soviet Union, was supporting armed insurrection in the Western Hemisphere, and had 40,000 troops stationed in Africa and the Middle East in support of objectives inimical to U.S. national security interests. 468 U.S. at 243.<sup>6</sup>

Because none of these national security concerns exist today, the reasoning in Regan is not dispositive. The Soviet Union no longer exists. Cuba poses no threat to the national defense of United States. It no longer has troops stationed in Africa or elsewhere and is no longer providing support for violence in the Western Hemisphere.

Indeed, the U.S. government itself has recognized these changed circumstances and thus no longer justifies the travel restrictions in terms of our national defense.<sup>7</sup> Instead, the restrictions are justified as helpful to the U.S. foreign policy objective of promoting democracy and human rights in Cuba.<sup>8</sup>

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<sup>6</sup> The Regan Court reiterated the position it took in Zemel v. Rusk, 381 U.S. 1 (1965), that the government could prohibit travel in the face of an overriding national security threat. Zemel was decided shortly after the Cuban Missile Crisis, based on government's assertions that allowing Americans to travel could endanger their lives and provoke a similar international incident if the Cuban government attacked or took Americans hostage.

<sup>7</sup> We also note that the current foreign policy interests in regulating travel do not require stopping the estimated \$45-\$50 million that flow to the Cuban economy from family and other travel and communications transactions.

<sup>8</sup> See "Speech by Alexander F. Watson, Assistant Secretary of State for Inter-American Affairs before the Cuban American National Foundation" (Oct. 26, 1993) ("Human rights and democracy are two of the pillars of United States foreign policy under the (continued...)

Although this is an important foreign policy objective, it simply does not carry the same weight as the national security concerns enunciated in Regan and Zemel and therefore does not justify limitations on the constitutional right to travel.

While our constitutional history is replete with instances in which fundamental rights have been subordinated to real or asserted threats to the national security, never have such rights been sacrificed for the reasons that now underlie the present restrictions on travel to Cuba. Although those reasons may be sufficient to prevent Americans from purchasing cigars, rum, or sugar, they are not sufficient to restrict the exchange of ideas and information via the right to travel. Moreover, we suggest that it is paradoxical at the very least to promote democracy and human rights in Cuba through a policy that limits constitutional rights here at home.

In addition, notwithstanding the recent changes made by the Clinton Administration, the current regulatory scheme of requiring specific licenses for travel to Cuba is subjective and has a chilling effect on persons entitled to such travel. In order to obtain a license, a person must apply to the Office of Foreign Assets Control (OFAC) in the Department of the Treasury. OFAC then determines whether to grant the applicant the license, a decision that is final and not subject to appeal.

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<sup>8</sup>(...continued)  
Clinton administration, and are at the core of our policy towards Cuba.").

Not only do the denials of licenses violate the Fifth Amendment right to travel, the regulatory scheme also violates the First Amendment because it gives OFAC officials unbounded discretion to grant or deny a permit application. See 31 C.F.R. § 515.560(b) (allowing OFAC to grant licenses "in appropriate cases"). "[I]n the area of free expression a licensing statute placing unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." Lakewood v. Plain Dealer Pub. Co., 486 U.S. 750, 757 (1988). There are "two major First Amendment risks associated with unbridled licensing schemes: self-censorship by speakers in order to avoid being denied a license to speak; and the difficulty of effectively detecting, reviewing, and correcting content-based censorship 'as applied' without standards by which to measure a licensor's action." Id. at 759; see Forsyth Cty. v. Nationalist Movement, 505 U.S. \_\_\_, 120 L. Ed. 2d 101, 111 (1992).

For example, the regulation provides no limits on the power of OFAC to deny a license to a person for travel for educational purposes.<sup>9</sup> Instead, the regulation grants OFAC the ability to

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<sup>9</sup> Section 515.560(b) on its face demonstrates its lack of constitutional standards. First, it requires a person to seek a license for each trip to Cuba. If the Treasury Department is upset with the speech that occurred on a person's first trip, then the government could deny a future license. See Lakewood, 486 U.S. at 759-60 ("a multiple or periodic licensing requirement is sufficiently threatening to invite judicial concern"). Moreover, the regulated conduct involves core aspects of the First Amendment (as well as the liberty interest of the Fifth Amendment) and would therefore invite the government to review

(continued...)

grant licenses "in appropriate cases," without defining which cases are appropriate. Because there are no safeguards in the regulation that this power will not be used to censor speech, it is unconstitutional. "Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment." Forsyth, 120 L. Ed. 2d at 114 (quoting Regan v. Time, 468 U.S. 641, 648-49 (1984)).

The arbitrary practices of OFAC confirm the results predicted in the cases cited above. The ACLU regularly receives troubling reports about license denials.<sup>10</sup> Earlier this year, for example, we were told that OFAC refused to grant licenses to two mathematicians who requested them for an International Conference on Approximation Theory that was held in Havana last month and was co-sponsored by Humboldt University in Berlin, even though their application clearly fell within the "educational" activities incorporated into the regulations in June of 1993. One applicant never even received a response to his request. The second was told that his application was denied because OFAC

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<sup>9</sup>(...continued)

speech associated with the travel, and allows it to approve travel for those who support the U.S. policy towards Cuba while denying permits to those who oppose U.S. policy. These two features alone make it constitutionally suspect. See id. at 760.

<sup>10</sup> Congressmen Berman, Hamilton, and Miller have reported as well that OFAC has misapplied these regulations. They report that OFAC threatened to prosecute a professor "who wished to lead a delegation, which included a Member of Congress, to study the impact of U.S. broadcasting to Cuba. The Professor was eventually able to make the trip, but only after the delay had caused many members of the delegation to withdraw. See Report of the Foreign Affairs Committee on the Cuban Democracy Act of 1992, additional views of Howard Berman, Lee Hamilton, and John Miller.

believed that he did not have a serious scientific reason to attend, but rather was using the conference as an excuse to lie on the beach. OFAC had absolutely no basis to reach this conclusion, other than its own subjective bias against this particular application and conference.

In contrast, OFAC granted licenses to members of the American Association of Engineering Societies to attend the meeting of the General Assembly of the World Federation of Engineering Organizations in Cuba on October 17-25, 1993. No explanation has been given for this disparate treatment.<sup>11</sup>

In another example from several years ago, a mathematician who applied for a license to give a presentation to Cuban mathematicians was subjected to extensive scrutiny by OFAC about her First Amendment activities as a condition for getting the license. She was first asked whether her talk was of any "value," suggesting that OFAC would base its determination on the content of her views, which is unconstitutional on its face. OFAC then asked for copies of everything that she had written in the past (amounting to more than 70 articles) and everything that she would write in the future, again an unconstitutional inquiry into the content of her work, not to mention a threat to academic freedom. At this point she withdrew from the process and found

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<sup>11</sup> One possible explanation is that the request for the license that was granted was made by a U.S. government official in the National Science Foundation. If, indeed, decisions to grant licenses depend on whether or not the U.S. government supports the objectives or beliefs of the applicant, that would constitute a gross violation of the First Amendment.

Cuba necessary to facilitate the importation of information materials. This past June, the Clinton Administration revised the regulation to allow individuals to apply for a specific license to travel for this purpose and also for "educational or

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<sup>12</sup> Similarly, we have received at least one report stating that OFAC officials told an applicant whose license was being denied that she should just go to Cuba through Canada.

religious activities [and] for activities of recognized human rights organizations." 31 C.F.R. § 515.560(b); 58 Fed. Reg. 34711 (June 29, 1993).<sup>13</sup> The new Administration subsequently granted a license to an individual to travel to Cuba for purpose of importing Cuban posters, after the Bush Administration had rejected his request.

The Clinton Administration's revision of the travel regulations was precipitated when the International Operations Subcommittee attached Congressman Berman's Free Trade in Ideas Act of 1993 to the State Department Authorization bill last June. At that point, Secretary of State Warren Christopher wrote Mr. Berman a letter asking him to withdraw the provision in exchange for regulatory reform and "an inter-agency review of our existing sanctions programs, policies, and legislation to ensure they properly reflect our mutual commitment to the dissemination of information and ideas." Christopher Letter, supra note 4. Secretary Christopher also affirmed "the Administration's commitment to the dissemination of information and ideas as a significant element in the promotion of democracy" and expressly endorsed "the underlying objectives of the Free Trade in Ideas Act." Id.

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<sup>13</sup> The regulations already allowed certain individuals to travel to Cuba without prior authorization under general licenses to visit family members in Cuba and for "persons who are traveling for the purpose of gathering news, making news or documentary films, engaging in professional research, or similar activities." 31 C.F.R. § 515.560(a).

Those objectives include the basic right of individuals to travel. Indeed, Congressman Berman's Free Trade in Ideas Act originally would have precluded limitations on individual travel, even to Cuba. Mr. Berman withdrew this provision at the International Operations Subcommittee markup. But the provisions allowing for travel for educational, cultural, scientific, and religious purposes passed the Subcommittee and were endorsed by the full Foreign Affairs Committee.<sup>14</sup> Chairman Hamilton, and Subcommittee Chairmen Gejdenson, Lantos, Berman, Ackerman, and Johnston all subsequently wrote to Secretary Christopher affirming their support for the right to travel for these purposes.<sup>15</sup>

We now call on the Clinton Administration to recognize the constitutional issues at stake and therefore lift the travel ban so that all Americans can exercise their constitutional right to travel and gather information for themselves.

#### Conclusion

Even at height of the Cold War, the ACLU believed that the principle of Free Trade in Ideas required the removal of any government restrictions on the rights of Americans to travel and learn for themselves about what was going on in the world.

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<sup>14</sup> See House Foreign Affairs Committee Report to the FY 94-95 State Department Authorization Act, at 52-53.

<sup>15</sup> Letter dated Sept. 30, 1993 from Chairman Lee Hamilton to Secretary Christopher; Letter dated Oct. 7, 1993 from Subcommittee Chairmen Gejdenson, Lantos, Berman, Ackerman, and Johnston to Secretary Christopher (attached to this testimony).

However, the end of the Cold War makes this position even clearer and more compelling because there is no longer an overriding national security reason to restrict these rights. We have also learned from recent history that the free exchange of ideas fosters democracy.

We urge these Subcommittees to work with the Administration to lift once and for all the ban on the constitutional right to travel. We are available to work with you on this issue. Once again, thank you for this opportunity to testify. I would be pleased to answer any questions that you might have.

OPENING STATEMENT OF  
THE HONORABLE CHRISTOPHER H. SMITH  
WESTERN HEMISPHERE AFFAIRS  
Hearing on Cuban Democracy Act and U.S. Travel to Cuba  
November 18, 1993

Mr. Chairman, I join you in welcoming our distinguished panels of witnesses for our hearing today. Just over one year ago, the President signed the Cuban Democracy Act which you shepherded through the Congress. We look with anticipation towards the full implementation of the Act and its goals. We have seen some groups and individuals intentionally thwarting the law and testing the limits of what this Administration will tolerate. Others are diligently working to develop and nurture relationships with Cuban family and friends eager for contact with and assistance from groups in the U.S.

There are stories of heroic escape, horrific stories of would-be escapees being snatched out of the water with hooks. There are stories of disease, malnutrition and economic hardship and yet we also receive pleas that we continue the embargo for the end is near. Cuba's economic statistics are grim and Castro's friends who have kept his bankrupt system afloat are out of power but then he announces economic "reforms" which will have slight impact. The question continues to remain: How long? How long will this regime hang on to power? And yet, I for one, do not support changes in policy or initiatives which allow him to continue his rule.

Mr. Chairman, I thank our witnesses today for their insight and their analysis of where we are and where is the Castro regime.



December 10, 1993

RESPONSE BY GARY M. STERN, LEGISLATIVE COUNSEL, AMERICAN CIVIL LIBERTIES UNION, TO FOLLOW-UP QUESTIONS BY CHAIRMAN HOWARD L. BERMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS, REGARDING HEARING ON "U.S. POLICY AND THE FUTURE OF CUBA: THE CUBAN DEMOCRACY ACT AND U.S. TRAVEL TO CUBA."

1. Comment on the constitutional issues that are at stake when Americans are denied the opportunity for specified first amendment activities requiring the presence of foreigners in the U.S.

The ACLU believes that the Constitution protects the right of Americans to receive visiting foreigners for the purpose of engaging in all First Amendment activities, whether for political speech or for cultural, religious, or educational exchanges. This means that the government may not deny visas to foreigners who have been invited to visit the United States, except under the most extraordinary instances, such as if the foreigner would be likely to engage in terrorist activities or other forms of physical violence while in the United States.

It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail . . . . It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. That right may not constitutionally be abridged . . . .

Red Lion Broadcasting Co. v. FCC, 395 U.S. 367, 390 (1969). This applies to foreign ideas as well as domestic. See Kleindienst v. Mandel, 408 U.S. 753, 762-65 (1972); see also Abourezk v. Reagan, 785 F.2d 1043 (D.C. Cir. 1986), aff'd per curiam, 484 U.S. 1 (1987).

In 1990, Congress repealed the McCarran-Walter Act of 1952, which had allowed the government to deny visas based on the political beliefs, associations, or views of individual foreigners. In its place, Congress authorized the government to deny visas only when the foreigner "has engaged in terrorist activities," 8 U.S.C. § 1182(a)(3)(B), or if such entry "would have potentially serious adverse foreign policy consequences for the United States," except that he or she cannot be excluded based on his or her "beliefs, statements, or associations." Id. § 1182(a)(3)(C).

We believe that foreign policy considerations authorized under the statute can never overcome the constitutional right to receive ideas, as enunciated in Red Lion. It is clear that in repealing the McCarran-Walter Act, Congress specifically sought to protect First Amendment rights. It would be contrary to that protection to allow the Executive to prohibit First Amendment related travel under the guise of foreign policy prerogatives. Thus, we believe that the government should not deny visas to

Cuban academics and musicians who have been invited to the United States to engage in First Amendment activities.<sup>1/</sup>

2. Comment on the constitutional dimensions of the Treasury Department's June 29 regulations implementing the Cuban Democracy Act.

Because the Constitution protects the right to travel abroad, we believe that the government may not issue regulations that prohibit the exercise of that right. At the very least, the government must not restrict travel that impinges on Americans' First Amendment rights, such as the right to receive ideas and hear foreigners speak and the right to engage in face to face discussions. See Kleindienst, 408 U.S. at 762-65; Lamont v. Postmaster General, 381 U.S. 301, 305 (1965). The June 29, 1993 regulations implementing the Cuban Democracy Act continue to impose unconstitutional restrictions on the general right to travel, including travel involving First Amendment rights.

Those regulations expand the categories under which individuals may apply for and receive specific licenses, to now include travel for "humanitarian reasons, for clearly defined educational or religious activities, for activities of recognized human rights organizations, for purposes of public performances,

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<sup>1/</sup> We note that it is incongruous that the government would continue to prohibit Cuban performers to enter the United States when its June 29, 1993 regulation now allows for American performers to travel to Cuba. See 31 C.F.R. § 515-560(b) (specific licenses granted "for purposes of public performances, public exhibitions or similar activities").

public exhibitions or similar activities, or for purposes related to the export, import, or transmission of information or informational purposes." 31 C.F.R. § 515.560(b), 58 Fed. Reg. 34711 (June 29, 1993). (The last one is consistent with the intent of Congress under the 1988 Berman amendment.)

Notwithstanding these changes, we think that the specific license procedure is unconstitutional because it is subjective and has a chilling effect on persons entitled to such travel. As was made clear at the hearing through Chairman Berman's questioning of John Newcomb, Director of the Office of Foreign Assets Control, there are no specific standards or guidelines by which the government makes these licensing determinations. Rather, as I indicated in my November 18, 1993 prepared testimony (see pp. 6-10), OFAC's decisions can be quite arbitrary.

Moreover, the regulation is also unconstitutional because, without proper safeguards, it can be used to censor speech. "'Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment.'" Forsyth Cty. v. Nationalist Movement, 505 U.S. \_\_\_, 120 L. Ed. 2d 101, 114 (1992) (quoting Regan v. Time, 468 U.S. 641, 648-49 (1984)). "[I]n the area of free expression a licensing statute placing unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." Lakewood v. Plain Dealer Pub. Co., 486 U.S. 750, 757 (1988). There are "two major First Amendment

risks associated with unbridled licensing schemes: self-censorship by speakers in order to avoid being denied a license to speak; and the difficulty of effectively detecting, reviewing, and correcting content-based censorship 'as applied' without standards by which to measure a licensor's action." Id. at 759; see Forsyth, 120 L. Ed. 2d at 111.

Moreover, in the absence of standards, the regulatory scheme also raises serious issues of viewpoint neutrality. See Cornelius v. NAACP Legal Defense and Educ. Fund, 473 U.S. 788, 806 (1985); see also Lakewood, 486 U.S. at 760 ("Constitution requires that the city establish neutral criteria to insure that the licensing decision is not based on the content or viewpoint of the speech being considered"). The present licensing scheme allows OFAC to permit some individuals, who perhaps support the current Administration's policy toward Cuba, to travel to Cuba, while at the same time to refuse to issue permits to people who do not share the Administration's viewpoint. Indeed, as my prepared testimony showed, there is some evidence that such viewpoint discrimination occurs (see pp. 8-10).

We believe instead that the Constitution requires the Treasury Department to issue general licenses to travel for educational, religious, humanitarian, and other First Amendment related purposes. In fact, general licenses are already permitted for journalists and news gatherers, as well as relatives of Cubans.<sup>2/</sup> 31 C.F.R. § 515.560(a)(1). At the very least, the regulations should treat all Americans equally and permit those who wish to engage in First Amendment related activities to travel freely to Cuba regardless of the interest or motive.

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<sup>2/</sup> We note that the money flowing to Cuba from educational travel would be de minimis compared to the amount of money that flows from travel already permitted under the general license for relatives of Cubans.

## United States Department of State



Washington, D.C. 20520

Dear Mr. Berman:

Thank you for your letter of November 29. I am pleased to provide answers to your follow-up questions.

I assure you that we share your concern about free intellectual exchange and support the free flow of information. It is a basic element of our policy, however, to endeavor to ensure that this flow goes in both directions. The current policy of the Cuban government, which precludes travel at will by U.S. journalists, for example, and which only allows visits by U.S. journalists and academics on a selective basis, precludes such a flow.

An integral part of our policy toward Cuba is to deny the regime hard currency, due to the undemocratic nature of the government and its poor record of respect for the human rights of its own people. One major way in which we accomplish this is through rigorous enforcement of the embargo, which aims to maintain pressure on the regime to restore freedom and democracy to Cuba.

In response to your first inquiry, please allow me to assure you that the Department of State imposes no deliberate bureaucratic procedures that might result in delays in processing visa applications by bona fide Cuban academics. Such visa cases are generally handled in routine fashion, and normally are processed within three weeks from the date of application.

Each case, however, is adjudicated on an individual basis, and a situation may arise in which a consular officer requires additional information, either from the applicant or from the sponsor in the U.S., to enable the Department to process a particular case. There may be a delay until such information is provided.

There are also occasional instances in which communications difficulties arise between Havana and Washington, and telegrams sent from Havana are not received by the Department. In such instances, when notified by a U.S.-based sponsor of an outstanding case, the Department immediately takes steps to obtain a copy of the message in question. This is what occurred in regard to the specific case you mention at the City University of New York. We have asked the Interests Section to re-transmit the telegram so that the case may be processed to a conclusion.

The Honorable  
Howard L. Berman,  
House of Representatives.

We regret any inconvenience that might be caused due to delays in processing academic visa cases, but please be assured that we do work closely with US academics to assist them in the processing of such cases.

Turning to the concerns raised in your second question, it has long been U.S. government policy, in keeping with the goals and spirit of the embargo, not to make an exception to the visa ineligibility of Cuban government officials and employees which would allow them to accept employment, obtain professional training or engage in full-time academic study. This policy was designed to deny potential economic benefits that would accrue to the Cuban government in such cases.

Finally, in response to your third set of questions, current U.S. policy permits unpaid performances in the United States by amateur folkloric musical groups, but precludes performances -- either paid or unpaid -- by professional entertainers. In both the cases you mention, our policy was consistent. The applications of Mercedes Valdes and the group "Mezcla" were denied, but visas were issued to Lazaro Ros and the members of the Afro-Cuban folkloric group "Yoruba Andabo." In both cases the decision was based on our judgment that Ms. Valdes and "Mezcla" were professional entertainers, but that Lazaro Ros and the members of "Yoruba Andabo" qualified as folkloric musicians.

In addition, visa issuance to all Cuban government officials and party members is prohibited by a Presidential Proclamation issued on October 4, 1985, which invoked Section 212(f) of the Immigration and Nationality Act. Exceptions to this prohibition are granted on a case by case basis (for example, the Cuban Minister of Health was recently in Washington to attend meetings organized at PAHO), but current policy does not permit waivers of this ineligibility for professional entertainers, all of whom are treated as employees of the Cuban government. Permitting professional entertainers to perform in the United States generates a monetary benefit to Cuba's entertainment industry, and provides these performers with exposure which enhances their marketability worldwide. It is the commercial aspect of such ventures, not any ideological or informative facet, which influences our policy in such cases. We are committed to the free flow of ideas, where it will not cause undue harm to our overall embargo policy.

We believe that this policy is not inconsistent with Congress' recognition, as expressed in the Berman amendment to the 1988 Omnibus Trade and Competitiveness Act, that record sales should not be restricted. The Department frequently and publicly acknowledges that informational materials such as records are exempt from embargo regulations.

As you know, the Departments of State and Treasury are now reviewing U.S. embargo policies worldwide to determine how existing programs affect the dissemination of information and ideas, and to identify areas where changes should be made to eliminate unwarranted obstacles to information dissemination. We appreciate the serious thought that has gone into your questions on these matters, and we will take the points you raise into consideration during this review.

We agree with your conclusion that private humanitarian shipments from the United States and other countries have not been sufficient to meet all the needs of the Cuban people. It is doubtful that such efforts would ever be sufficient -- although they undoubtedly help a great deal and should continue to be encouraged. We believe that humanitarian assistance, either public or private, can never be more than an interim solution to a much deeper problem. The inefficiencies of Cuba's highly centralized, intensely controlled economy, coupled with repressive government policies (for example, the abolition of Cuba's farmers markets in the 1980's) have resulted in a country that, stripped of its yearly \$6 billion Soviet subsidy, can neither pay its bills nor feed its population.

We are also mindful of legislative prohibitions against the U.S. government providing assistance to Cuba. For example, section 620(a) of the Foreign Assistance Act of 1961, as amended, prohibits, except as the President may deem necessary in the U.S. interest, any assistance to Cuba unless the President determines that Cuba has taken appropriate steps to return property expropriated from U.S. citizens on or after January 1, 1959, or to compensate for same in accordance with international law. As you know, section 1705(a) of the Cuban Democracy Act of 1992 incorporated this section by reference.

Finally, you query whether a change in U.S. government law and policy, perhaps to permit official U.S. government assistance to Cuba, might garner good will for the U.S. among the Cuban population. Such an action on the part of the U.S. would generate good will only if the Cuban government permitted the information to be disseminated, an unlikely event.

For example, the United States recently assisted Cuba (unofficially and in keeping with CDA mandates) by sending U.S. physicians to Cuba to assist in researching the causes underlying Cuba's optical neuropathy epidemic. Privately, the Cuban government was grateful. Publicly, Cuban vice minister of health Jorge Antelo presented the hypothesis that an "enemy action" may have caused the epidemic. Perhaps in response to U.S. protests, Council of State Vice President Carlos Lage eventually offered a lukewarm retraction when he told reporters that there was no reason to believe that the U.S. administration was responsible for the epidemic. Not content to leave it at that, however, Lage went on to state the Cuban government's belief that, under previous U.S. administrations, actions of this kind were taken against Cuba.

I hope this has been responsive to your concerns. Please contact me if I may be of assistance in any way.

Sincerely,



Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure:  
Correspondence returned

Answers to Follow-up Questions for the Record for R. Richard Newcomb,  
Director, Office of Foreign Assets Control ("OFAC"), U.S. Department of  
the Treasury

Q. 31 CFR §15.560(b), adopted June 29, provides that licenses for educational and other activities will be approved "in appropriate cases." Was this regulation adopted to meet the requirements of the Cuban Democracy Act, as embodied in the House Foreign Affairs Committee Report, that "the Treasury Department develop clear guidelines with respect to 'clearly defined educational or religious activities, or activities of recognized human rights organizations'?"

A. The amendment of 31 CFR § 515.560(b) on June 29, 1993 (58 FR 34711), was published to ensure that individuals engaging in travel-related transactions in conjunction with travel to Cuba for educational or religious activities or for activities of recognized human rights organizations, or for purposes related to the export, import, or transmission of information or informational materials secure appropriate authority for such transactions as required by § 515.201 of the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"). This change was intended to encourage applications by such travelers to reflect a policy that favors granting such licenses in limited circumstances. Engaging in such travel-related transactions without the authorization of the Treasury Department is a violation of the Regulations; and, though civil penalties may not be imposed, the travelers may be subject to criminal penalties in the absence of Treasury authorization.

Q. Are there written guidelines outside the regulation defining "educational activities" and "appropriate cases" or establishing criteria for determining them?

A. No. The process for developing guidelines for the licensing of travel to be authorized pursuant to § 515.560(b) has been subsumed by the broader policy review mandated by Secretary of State Christopher with regard to the impact of all economic sanctions programs on the free flow of ideas.

Q. Have new guidelines defining "educational activities" been adopted following enactment of the Cuban Democracy Act? Please submit any guidelines used to define these terms to us for the record.

A. There are no written guidelines yet because the policy review is still ongoing. Guidelines will ultimately result from the process.

Q. Do you consider these legally binding?

A. See prior response.

Q. Other than the example given at the hearing, of professionals traveling for professional meetings, what new types of educational travel have been permitted since adoption of the regulation?

A. The licensing of travel for educational purposes is awaiting the development of guidelines. This has been subsumed by the State Department policy review discussed above.

Q. Has any such newly permitted travel been for the purpose of learning about Cuba from Cubans?

A. No application has been filed requesting travel for this purpose.

Q. Are the decisions under this regulation made according to foreign policy criteria, and if so what are those criteria?

A. When an application raises an issue where a licensing precedent has not been established, we may consult the Department of State for its comments regarding any foreign policy implications raised by the application before we make a licensing determination. The State Department applies the foreign policy criteria, not Treasury, and advises us accordingly.

Q. If they are made according to the bona fides of the educational nature of the applicant's trip, what criteria would you use to determine that?

A. Section 515.560(b) provides for specific licenses to authorize travel transactions incident to "clearly defined educational activity." Since specific licenses are issued on a case-by-case basis, each person wishing to engage in educational travel must submit an application furnishing a written description of the travel and a justification supporting the bona fide educational nature of the travel. An application which merely calls an activity "educational" without describing how that holds true for the applicant would typically not be approved.

I would like to illustrate what I mean here by providing an example using a case discussed in the Prepared Testimony and Statement for the Record of Gary M. Stern of the American Civil Liberties Union ("ACLU"). The ACLU testimony is critical of our failure to license mathematicians to attend an International Conference of Approximation and Optimization held in Cuba in September 1993. The following statement is found on page 8 of Mr. Stern's prepared testimony:

"Earlier this year, for example, we were told that OFAC refused to grant licenses to two mathematicians who requested them for an International Conference on Approximation Theory that was held in Havana last month and was co-sponsored by Humboldt University in Berlin, even though their application clearly fell within the 'educational' activities incorporated into the regulations in June of 1993."

This statement appears to be based on an assumption that this conference was "clearly...within the 'educational' activities incorporated into the regulations...." We would disagree with this assumption. I am forwarding copies of the two applications I believe are being referred to by Mr. Stern (See Exhibits 1 & 2), and I wish to discuss the reason for our determination.

The first applicant (Exhibit 1) requested permission (i.e., requested a license) to attend the conference because "it would be most beneficial to my career...." This statement is very general and does not address how this particular conference would comprise a "clearly defined educational activity" for the individual. The conference announcement lists topics to be covered but there is no program schedule or agenda. Please note, however, there is a schedule of planned tourist activities and a registration form for the social program.

In the second instance, we did not consider the incoming letter (Exhibit 2) to be a license application. The writer expresses her support for "a policy of free circulation of scientists" but never requests a license to authorize her own travel transactions, nor does the letter provide any information we could make the basis of an individual application.

- Q. Have any applications been made under this regulation, and with what results? Please give examples of applications granted, applications denied, and the reasons for OFAC's actions.
- A. While the Licensing Division has received several phone calls from persons inquiring about educational travel, only the applications noted in the following question have been received.
- Q. Please submit copies of the applications and OFAC's response, for the Committee's information.
- A. An application has been received from the School for International Training of World Learning, Inc. (formerly the Experiment in International Living) proposing that Cuba be added to its international study abroad program option for undergraduates. We have also received a letter from a consultant inquiring as to whether an exchange program between a private secondary school in the United States and a similar school in Cuba would be permitted. (See Exhibits 3 & 4) These applications are pending.

**Second Announcement**  
**2nd International Conference on**  
**APPROXIMATION**  
**and**  
**OPTIMIZATION**

**in the Caribbean**

**Havana, September 26 - October 1, 1993**

**Organized by**

University of Havana  
Academy of Sciences of Cuba  
Cuban Society of Mathematics and Computer Science  
Pedagogical Institute of Havana

**Sponsored by**

International Mathematical Union and Third World  
Academy of Sciences

We expect about 250 scientists from all over the world to participate in the **Second International Conference on Approximation and Optimization**. Conference location will be the main building of the bicentenary University of Havana.

### Organizing Committee

M.A. Jimenez, Havana (Chairman)  
 L.F. Antrum, Rio de Janeiro  
 M. Duffo, Paris Sud  
 J. Guddat, Berlin  
 N. Hernandez, Havana  
 F. Ilan, Havana  
 J.L. Lions, IMU  
 G. Lopez, Havana  
 F. Marcellan, Madrid  
 A.F. Pritchard, Warwick

E. Atencia, Malaga  
 B. Bank, Berlin  
 J.A. Gomez, Cuba  
 F. Guerra, Havana  
 D. Hinrichsen, Bremen  
 H. Th. Jongen, Aachen  
 E. Lopez, Havana  
 J. Lopez, Mexico City  
 A. Mesa, Havana

### Program Committee

E.L. Allgower, Ft. Collins  
 J. Arango, Caracas  
 A. Auslender, Clermont Ferrand  
 R.E. Burkard, Graz  
 P.L. Butzer, Aachen  
 W. Dahmen, Aachen  
 F. Deutsch, University Park, PA  
 A. Dontchev, Ann Arbor  
 I. Ekeland, Paris  
 J.L. Fernandez, Havana  
 S. Flam, Bergen  
 A. Gomez, Havana  
 L. Grippo, Rome  
 F. Guerra, Havana  
 R. Hettich, Tueb  
 J.H. Hiriart Uruty, Toulouse  
 K. H. Hollmann, Munich  
 M. Iri, Tokyo  
 H. Th. Jongen, Aachen  
 H.B. Keller, Pasadena  
 A.A. Korbut, St. Petersburg

F. Altomare, Bari  
 H. Attouch, Montpellier  
 B. Bank, Berlin  
 B. Brosowski, Frankfurt/a M  
 F.H. Clarke, Montreal  
 M. Dempster, Essex  
 L. Diener, Gottingen  
 M. Duffo, Paris  
 G. Feichtinger, Vienna  
 A.V. Fiacco, Washington  
 J. Gauvin, Montreal  
 C. Gonzaga, Rio de Janeiro, Paris  
 J. Guddat, Berlin  
 J. Hennet, Buenos Aires  
 H. Hinabayashi, Tokyo  
 Hoang Tuy, Hanoi  
 R. Horst, Trier  
 M.A. Jimenez, Havana  
 P. Kall, Zuerich  
 D. Klatte, Zuerich  
 K.O. Kortanek, Iowa

## Social Program

Expected official social program:

				US Dollar
Welcome party	7.00 p.m.	Sunday,	26.9.93	
Havana downtown	2.00 p.m.	Monday,	27.9.93	5
Visiting tour to Hemingway's house	2.00 p.m.	Tuesday,	28.9.93	8
Visiting tour to the Botanic Garden	2.00 p.m.	Wednesday,	29.9.93	8
Conference Dinner	7.00 p.m.	Wednesday,	29.9.93	25
Cabaret Tropicana	9.00 p.m.	Thursday,	30.9.93	15
Tour to the famous beach of Varadero and the Cave Bellamar	9.00 a.m. - 9.00 p.m.	Friday,	1.10.93	30

Indicate your orders (to be paid upon arrival) in the registration form and return it by May 15, 1993.

Should you be interested in further information you may contact

Mr. Roberto Rosado  
Gerente de Turismo  
Calle 11 No. 951 esquina a 8, El Vedado,  
Codigo Postal 12300, Zona Postal 21  
La Habana, Cuba  
Phone: (53) (7) 300 775 / 311 893  
FAX: (53) (7) 333 028 / 333 090

## Conference Addresses

Prof. Dr. M. Jiménez  
Facultad de Matemática y Cibernetica  
Universidad de la Habana  
San Lazaro y L.  
Ciudad de la Habana, Cuba  
Tel: + (537) 76089  
Telex: + (537) 422657  
e-mail: mjc@matem.ufc.edu.cu

Prof. Dr. T. Guddatt (please use it until September 10, 1993)  
Humboldt Universität  
FR Mathematik  
PSF 1297  
D-0 1086 Berlin, Germany  
Tel: + (30) 2093 2268 / 2354  
Telex: + (30) 2094 2248  
e-mail: guddatt@mathematik.hu-berlin.dbp.de

## Tentative Scientific Program

Will be sent to you by late June.

### Travelling and Accommodation as a Package

International tourist agencies offer attractive package tours including flight, visa, airport transfers and one to two weeks accommodation.

For participants from European countries we may offer a special package by TROPICANA.

#### Flights

Preliminary summer timetable

from Berlin	to Havana	Saturday, Sept. 25, 15.30, arrival 21.30
from Frankfurt/M.	to Havana	Saturday, Sept. 25, 15.55, arrival 21.40
from Havana	to Berlin	Friday, Oct. 1 (or 8), 20.15, arrival 11.00-11
from Havana	to Frankfurt/M.	Friday, Oct. 1 (or 8), 23.10, arrival 11.55-11

#### Hotels

(The prices are in DM/ (per person and include flight, visa, transfers, accommodation with breakfast)

Hotel	1 week (6 nights)		1 week of prolongation (7 nights)	
	double room	single room	double room	single room
Colina (**)	1502	1601	238	357
Veradero (***)	1571	1706	319	476
Habana Libre (****)	1757	1991	536	812
Hotel Nacional (*****)	2012		756	

The week of prolongation may be before or after the conference.

(Taxi price to the famous beach in Santa Maria, about 25 km from Havana, ca. US \$ 90.)

Should you prefer a week of prolongation in Santa Maria, you may choose among the Hotel Itabo (DM 24 per person/night in double room), or the camp El Abra (bungalows with simple appointments, DM 20 per night in single room, DM 13.50 per person/night double room).

Please contact TROPICANA, Berliner Str. 161, D-W 1000 Berlin 31, FAX (030) 853 10-00, Phone (030) 853 70-11, indicating that you are a participant of the Havana Conference. Special arrangements are possible.

**Registration for Social Program****Name:**

	<b>Number of persons</b>
Welcome party	.....
Havana downtown	.....
Visiting tour to Hemingway's house	.....
Visiting tour to the Botanic Garden	.....
Conference Dinner	.....
Cabaret Tropicana	.....
Tour to the famous beach of Varadero and the Cave Bellamar	.....

The following motion was adopted without dissent by the Council of the American Mathematical Society at its quarterly meeting on April 17, 1993:

The Council of the AMS, in accordance with its established practice of supporting the free circulation of scientists, calls upon the US Administration to permit all US mathematicians wishing to participate in the "Second International Conference on Approximation and Optimization" (Havana, Cuba, September 26-October 1, 1993) to do so and to authorize them to participate in the same fashion as would be normal were the conference to be held in another country. This includes their right to attend without being "fully hosted."

The Society officers are to approach promptly the appropriate officers of the US State and Treasury Departments (the agencies administering the present US government policy) and to secure the support of the Science Advisor to President Clinton.

These officials, in addition to being made aware of the general issues involved should be informed that this Conference is sponsored by the Third World Academy of Sciences and by the International Mathematical Union. The US is represented in the IMU and in it supports the policy of free circulation of scientists. Further, a blanket licence to attend should be sought without requiring individuals to apply one by one for permission.

EXHIBIT #1

## NORTHWESTERN UNIVERSITY

May 24, 1993

Mr Steve Pinter  
 Chief of Licensing  
 Office of Foreign Assets Control  
 Dept. of the Treasury  
 1500 Pennsylvania Ave. N.W.  
 Second Floor Annex  
 Washington, D.C. 20220

Department of Mathematics  
 Lunt Hall  
 2033 Sheridan Road  
 Evanston, Illinois 60208-2730  
 Telephone (708) 491-3298  
 Facsimile (708) 491-8906

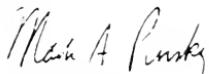
Dear Mr. Pinter:

I am writing to request permission to attend the Second International Conference on Approximation and Optimization, to be held in Havana, Cuba from Sept. 26-Oct. 1, 1993. As a professor of mathematics and active researcher in these areas of current interest, it would be most beneficial to my career to attend this important meeting, sponsored by the International Mathematical Union (in which the United States is represented) and the Third World Academy of Sciences. Please find enclosed a copy of the second announcement of this conference. Please note that the proceedings of this conference will be published by a prominent German scientific publishing house, as was the case for the proceedings of the First International Conference in 1987.

As you are well aware, the importance of U.S. attendance at this meeting has been underscored by the Council of the American Mathematical Society in a resolution at its quarterly meeting of April 17, 1993 in Washington DC, of which I have enclosed a copy. This was followed by a letter to you from Dr. James Wyngaarden, Foreign Secretary of the National Academy of Sciences of the United States.

A license to permit my attendance at this meeting would permit me to expend the necessary funds for travel and local expenses at this conference. Your speedy approval of this request is most welcome.

Sincerely



Mark A. Pinsky  
 Professor

cc: Dr. J. Gibbons, Science Advisor to the President  
 cc: Dr. R. L. Graham, President of the AMS  
 cc: Dr. R. Fossum, Secretary of the AMS  
 cc: Dr. James Wyngaarden, Foreign Secretary, NAS

DEPARTMENT OF MATHEMATICS AND COMPUTER SCIENCE  
LEHMAN COLLEGE C.U.N.Y.  
BEDFORD PARK BOULEVARD  
BRONX, NY 10468  
718-960-8867  
E-MAIL LJKLC@CUNYVM.BITNET

May 13, 1993

Mr. Steve Pinter  
Chief of Licensing  
Office of Foreign Assets Control  
Department of the Treasury  
1500 Pennsylvania Ave. N. W.  
Second Floor Annex  
Washington, D.C. 20220

Dear Mr. Pinter,

I call your attention to the announcement of the Second International Conference on Approximation and Optimization in the Caribbean co-sponsored by the International Mathematical Union (IMU) and the Third World Academy of Sciences to be held in Havana, Cuba in September 1993. The US National Committee on Mathematics (USNCM) is the national affiliate of the IMU. Under the previous administration US policy was that only "fully hosted" invitees would be able to attend. We support a policy of free circulation of scientists and scientific ideas.

We call upon you to endorse this policy and to do all you can to facilitate the attendance of all US mathematicians who wish to participate in the same fashion as they would if the conference were held elsewhere.

Thank you for your consideration in this matter.

Yours sincerely,



Linda Keen  
Professor of Mathematics and Chair,  
USNCM

cc: James Wyngaarden, Foreign Secretary, NAS  
Shmuel Winograd, Chair, BMS

EXHIBIT #3

August 3, 1993

Mr. Richard Newcomb, Director  
 Office of Foreign Assets Control  
 U.S Treasury Department - Room 2221 ANX  
 1500 Pennsylvania Ave., N.W.  
 Washington, DC 20220

136077

Letter No.

Foreign

Rec'd

AUG-9 1993

SCHOOL FOR  
 INTERNATIONAL  
 TRAINING

Office of the President

Dear Mr. Newcomb:

I am writing on behalf of World Learning's School for International Training to request authorization to organize twice-yearly College Semester Abroad programs for U.S. undergraduates in Cuba. The program would be the same as our existing programs carried out in some 35 countries of Africa, Asia, Australia, Europe, and Latin America, and serving approximately 1000 American students annually. Our goal, simply stated, is to enhance U.S. understanding of the language and life and culture of other countries and of world issues as a whole -- a goal we believe to be consistent with U.S. interests. World Learning, founded in 1932 as The U.S. Experiment in International Living, is a non-profit educational exchange organization; the enclosed catalog provides background on our programs and institution as a whole.

Two years ago, we received from your office a license to conduct two similar programs in Viet-Nam (one in the north and one in the south) which have met with considerable success in exchanging ideas, as well as promoting democratic ideals, in that country. Approximately 5-12 students have participated in each of these semester programs, a number comparable to our expectations for the Cuba program.

Although we understand the Trading with the Enemy Act has been interpreted by recent Administrations to exclude undergraduate student exchanges with Cuba, we are also aware that U.S. Assistant Secretary of State-Designate Alexander Watson, writing to the president of the Latin American Studies Association, stated that "we are committed to the free flow of ideas" and suggested a reassessment of current U.S. policy; this was in response to a letter from the co-chairs of LASA's Task Force on Scholarly Relations with Cuba, Carmen Diana Deere and Andrew Zimbalist. We also understand that in late July Congressman Berman's staff and State Department officials reached some understandings regarding the Administration's willingness to accept a broader range of cultural and educational exchanges between the U.S. and Cuba, including undergraduates.

We are aware that U.S. citizens authorized to spend money in Cuba without a license are limited to a \$100 daily expenditure. I can assure you that under our College Semester Abroad program, payments to host institutions for



teaching expenses, and to related travel and accommodation providers, will be well within that per capita limit.

We have received permission from Cuba's Ministry of Higher Education and from the universities in Havana and Santiago to begin conducting a College Semester Abroad program in cooperation with them in February 1994. As we would like to include this program in our new fall catalog, we look forward to your timely favorable consideration of this request. Should any further information be required, please do not hesitate to let us know.

Thank you very much for your consideration.

Sincerely,

  
A. Neal Mangham  
President

cc: Assistant Secretary of State-Designate Alexander Watson  
Congressman Howard Berman



KAVULICH INTERNATIONAL, INC

POST OFFICE BOX 25653 ■ WASHINGTON, D.C. 20007-5653  
 TELEPHONE (202) 338-2116 ■ FACSIMILE (202) 338-2087 ■ TELEX 892320 or 415358 KIUSA

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 127914  
 Letter to

NOV 24 1993

20 November 1993

Mr. R. Richard Newcomb  
 Director  
 Office of Foreign Assets Control  
 U.S. Department of the Treasury  
 1500 Pennsylvania Avenue, Northwest  
 Washington, D.C. 20220

Dear Mr. Newcomb:

Thank you for taking the time to speak with me during the Subcommittee on Western Hemisphere Affairs hearing on issues relating to the Republic of Cuba.

As we discussed, I am interested in learning whether an exchange program between a private United States secondary school (grades 9 through 12) and a similar school in the Republic of Cuba would be permitted under current United States Government laws and policies. Specifically, the initial concept is for one or more students from each country spend up to one semester (ten weeks) at a school and receive academic credit. The program would be privately funded and begin with one United States school. In this case, Brooks School in North Andover, Massachusetts, which was the first United States secondary school to have a student exchange program with schools in South Africa (now in its ninth year) and Kenya (also in its ninth year); and with schools in Hungary (now in its third year).

For the Cuban student(s) spending up to one semester at Brooks School, the visit would be fully hosted. This would be a relatively simple matter to monitor. However, there would be difficulties in monitoring the use of United States Dollars by a student(s) residing in the Republic of Cuba. Because of the economic hardships facing the country, parents would want to make certain that their children would have at least emergency access to United States Dollars for telephone calls, travel, food, etc.. While any student who agrees to participate in the exchange program would agree to limit his or her foreign exchange spending, there would be no viable method to guarantee compliance.

However, I strongly believe that the United States students would not be eager to spend any visible sums of foreign currency. For one reason, the Cuban Government will want to make certain that all needs are met so that any need to use United States Dollars is limited. Second, and far more important, is the reality that any student soon realizes in any country where they study- a display of wealth is not appropriate. The goal is to be a part of the resident culture, not a tourist. Students know this.

After the completion of the Subcommittee hearing, I did speak with Mrs. Lisa Bobbie Schreiber Hughes, Economic Officer, Office of Cuban Affairs at the United States Department of State. Mrs. Hughes



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**KI**

KAVULICH INTERNATIONAL, INC.

Page Two

Mr. R. Richard Newcomb  
20 November 1993

indicated that, initially, such an exchange program might be permissible under current United States Government laws and policies. I am, as you suggested, providing Mrs. Hughes with a formal outline.

Thanking you in advance, I look forward to hearing from you soon. Warmest personal regards.

Sincerely,

John S. Kavulich II  
Chairman and Chief Executive Officer

JSK:lm  
cc:  
File

# NEWS RELEASE

## CONGRESSMAN CHARLES B. RANGEL

U.S. House of Representatives  
CONTACT—Emile Milne  
202-225-4365

Washington, DC 20515

### CONG. RANGEL PRAISES CUBAN-AMERICAN OPPONENTS OF U.S. TRADE EMBARGO AGAINST CUBA

WASHINGTON, Nov. 18—Cong. Charles Rangel (D--NY) today expressed support for a coalition of Cuban-American organizations who called on the Clinton administration for a change in U.S. policy toward Cuba, including an immediate end to enhanced sanctions imposed last year.

"I am very proud of this group for taking the time to travel to Washington to express their position publicly and forcefully," Cong. Rangel said. "They represent a growing voice in the Cuban American community that feels our current posture is not only inhumane but counterproductive."

The coalition of eight organizations, spearheaded by *Cambio Cubano* (Cuban Change), was led by Eloy Gutierrez Menoya, a well-known former political prisoner in Cuba who spent 20 years in Cuban jails.

"Mr. Menoya is a patriot in every sense of the word," Cong. Rangel said. "But his patriotism now has been transferred to the United States where he is trying to help our government to adopt a sane policy."

"I have argued, and many Americans agree, that the continuation of the current policy of isolation does great harm not only to the Cuban people who are being made to suffer simply because we dislike their government and the people who run it. We are also doing a grave disservice to American business and to American workers who are being unfairly prevented from competing for the growing opportunities in Cuba."

"It is no secret that the calamitous decline of Cuba's economy is due primarily to the withdrawal of subsidies by the former Soviet Union," Cong. Rangel said. "But it is still a fact that widespread shortages of food and medicine are attributable to sanctions imposed by our government."

"As a compassionate country, the U.S. should not be associated with the denial of humanity to any country, especially when we are in direct contravention of the will of the entire international community."

Cong. Rangel is the author of a bill that would lift the trade embargo entirely as well as restrictions on travel and telephone communications. The bill would also promote the protection of human rights in Cuba as well as negotiations to reverse the losses suffered by U.S. citizens, including businesses, when American properties were expropriated after the Cuban revolution.

"How is it that we can call on--and support--the United Nations in Iraq, in Haiti, in Bosnia and many other places around the globe, cooperating as a true partner in the will of the international community, but in Cuba take a hard line that puts us completely at odds with our allies?" Cong. Rangel asked, noting that the U.N., for a second year, only recently voted to call on the U.S. to lift its economic embargo.

"By keeping the embargo in place, we have offended not only our allies in Europe, who have complained openly of our attempts to interfere in their sovereign affairs," Cong. Rangel said. "In the Caribbean, our harsh policy against Cuba has led us to threaten our friends and partners who have seen it in their best interests, and that of the hemisphere, to do business with Cuba.

"The Cold War is over and we won," Cong. Rangel said. "While we hammer away at Cuba, we are bending over backwards not only to invest, but to give aid, to Russia and the other Soviet Republics

"While some of us admit that our true goal is to starve the people of Cuba into submission, in China we overlook every human rights violation, every sale of arms to our enemies so that we can maintain our trade relations with a country that remains staunchly communist," Cong. Rangel said.

"I speak of China with the emotion of an Army artilleryman wounded in combat with the invading Chinese army at the Yalu River, in November 1950," Cong. Rangel said. "Even in Vietnam, we have dropped our opposition to multilateral assistance. We have embraced those former enemies, and we have cooperated with dictatorships, on the left and right, when it served our interests--and sometimes in the hope of reforming them.

"There still remains some opposition to our change in policy, but change is inevitable and is coming, as indicated by the visit by the Cuban-American coalition today," Cong. Rangel said. "Not too long ago, hardly anyone from Florida, no matter how they felt, would have been comfortable coming forward openly with the position they have taken.

"They came today because the political winds are changing, not only in Miami, but elsewhere around the country."

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